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STATE OF WASHINGTON

LAWS

RELATING TO

FISH, OYSTERS AND GAME

1911

COMPILED BY

JNO. L. RISELAND

FISH COMMISSIONER AND GAME WARDEN

BELLINGHAM, WASH.

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FISH COMMISSIONER.

1. Appointment and Term of Fish Commissioner.

There shall be appointed by the Governor, by and with the advice and consent of the Senate, one competent person who shall be denominated the Fish Commissioner, whose term of office shall continue four years from and after the first Monday in March after his appointment, and until his successor be appointed and qualified. (2 Rem. & Bal. Code, § 5150.)

(See section 15 *et seq.*—"Fish Commissioner.")

2. Commissioner Shall Give Bond.

Before entering upon his duties said Fish Commissioner shall file with the Secretary of State a bond (with five or more sufficient sureties, and in the sum of five thousand dollars, conditional that he will discharge his duties under this chapter faithfully. (2 Rem. & Bal. Code, § 5151.)

("Chapter" refers to sections 1-14.)

3. Appointment of Deputies—Term of Office.

Said commissioner may appoint three deputies, to be known as deputy fish commissioners; they shall hold their offices, respectively, during the pleasure of the Fish Commissioner, who may summarily remove any one of their number whenever, in his judgment, he shall deem such a change for any cause advisable. (2 Rem. & Bal. Code, § 5152.)

(County deputies—See section 12.)

4. Duty of Fish Commissioner.

It shall be the duty of the Fish Commissioner to give his entire time and attention to the fishing interests of the State of Washington, and by and with the help of his depu-

ties, see that all laws for the propagation, protection and preservation of food fishes and oysters in the public waters of the State of Washington, whether entirely or partially within the state boundaries, are enforced and, if necessary, to select and purchase suitable land, build, operate and manage thereon fish hatcheries for the purpose of supplying said waters with young fish; to employ necessary and competent men to successfully carry on said hatcheries. It shall also be the duty of the Fish Commissioner to examine into all complaints made to him by councilmen of cities or county commissioners, regarding dogfish or decayed fish, which are injurious to the fishing industries or dangerous to the health of the inhabitants, and, if necessary, abate said nuisance. (2 Rem. & Bal. Code, § 5153.)

5. Cannery Inspection.

The Fish Commissioner of the State of Washington and his deputies are hereby authorized to inspect all canneries, boats, nets, wheels, traps and other appliances, and all property used in the catching and packing of fish, or in the fish industry, for the purpose of enforcing the fish laws of the State of Washington, and to that end said commissioner and his deputies are authorized to enter on said property and make inspection thereof. (2 Rem. & Bal. Code, § 5154.)

6. Arrests.

The Fish Commissioner and his deputies shall have authority to arrest without writ, rule, order or process any person in the act of committing a crime in violation of the fish laws of this state, and they are hereby made peace officers of this state for that purpose. (2 Rem. & Bal. Code, § 5155.)

7. Punishment for Resisting an Officer.

If any person knowingly and wilfully resists or opposes such officer in the discharge of his said duties, he shall be

punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars nor less than fifty dollars, or by both fine and imprisonment, at the discretion of the court. (2 Rem. & Bal. Code, § 5156.)

8. Commissioner Shall Report.

Said Fish Commissioner shall annually on March 31st report to the governor of this State a full account of his actions under this act; also of the operations and results of the laws pertaining to the fish and oyster industries, the methods of taking fish, the number of young fish hatched, and where distributed, amount of expenses incurred, and make suggestions as to needs of future legislation, if any, and full statistics of the fishing and oyster business. (2 Rem. & Bal. Code, § 5157.)

9. Commissioner and Deputies—Compensation of.

The Fish Commissioner shall receive an annual salary of two thousand four hundred dollars to be paid in monthly installments by the state treasurer, and he shall be allowed his actual expenses of travel in the performance of his duties not to exceed one thousand dollars in any one year. The deputies shall receive a salary of fifteen hundred dollars each per year to be paid in monthly installments by the state treasurer, and they shall be allowed their actual expenses of travel in the performance of their duties, not to exceed six hundred dollars per annum each. The general superintendent of hatcheries shall receive a salary of eighteen hundred dollars per annum to be paid in monthly installments, and he shall be allowed his actual expenses of travel in the performance of his duties not to exceed nine hundred dollars per annum. (2 Rem. & Bal. Code, § 5158.)

10. Instruction to Deputies—Bonds.

Each deputy fish commissioner shall give bonds in the sum of two thousand dollars, conditioned on the faithful

performance of their duties respectively, such bonds to be subject to the approval of the Fish Commissioner. The Fish Commissioner shall issue to his deputies such general and special orders and instructions in the execution of their duties under the law as he shall deem necessary; and he shall assign one deputy to duty in the lower Puget Sound district, and one in the Columbia river district; the third deputy being assigned to office duty and shall be considered the office deputy; but the above assignment shall not relieve any deputy from the performance of duty in any other part of the state when his services may be needed. (2 Rem. & Bal. Code, § 5159.)

11. Attorney General—May Assist Commissioner.

The Fish Commissioner shall have authority to apply to the Attorney General for his official opinion upon any question touching the construction and interpretation of the statutes, and the duties of the Fish Commissioner under the statutes for the protection of fish and oysters, wherein he shall need legal advice; and the Attorney General may, in his discretion, furnish from his office such official legal assistance as he may deem useful in the conduct of any suit brought by the Fish Commissioner, in pursuance of the provisions of the laws for [the] protection of fish and oysters. (2 Rem. & Bal. Code, § 5160.)

12. May Appoint Special County Deputies.

The Fish Commissioner is hereby authorized to appoint a special deputy in each county of this state, who shall be a resident of the county for which he shall be appointed, such special deputy to see that the fish laws of the state are observed within the county for which he shall be appointed. (2 Rem. & Bal. Code, § 5161.)

(State deputies—See section 3.)

13. Compensation of Special County Deputy.

Such special deputy shall receive as his compensation one-half of all fines recovered upon prosecution procured

by him for violation of the fish laws of this state, and shall receive no other compensation. (2 Rem. & Bal. Code, § 5162.)

14. Expenses.

All expenses incurred under the provisions of this chapter shall be audited by the State Auditor, upon bills being presented, properly certified by the Fish Commissioner, and the said auditor shall, from time to time, draw warrants upon the State Treasurer for the amount. (2 Rem. & Bal. Code, § 5163.)

("Chapter" refers to sections 1-14.)

STATE FISH HATCHERIES.

15. Board of Fish Commissioners Created.

The Governor, State Treasurer and Fish Commissioner are hereby created a board of fish commissioners ex-officio. (2 Rem. & Bal. Code, § 5164.)

16. Fish Hatcheries—Establishment and Control.

It shall be the duty of the fish commission created by the provisions of the last preceding section to procure a suitable site or suitable sites for one or more state fish hatcheries, to provide for the creation of such state fish hatchery or hatcheries, and to supervise the management and control of the same. (2 Rem. & Bal. Code, § 5165.)

17. Location of Hatcheries.

The site for the first state fish hatchery shall be upon the banks of the Columbia river or one of its tributaries, and shall be selected and obtained as soon as possible. Subsequent hatcheries shall be established, one each on one of the tributaries of Puget Sound, one on one of the tributaries of Gray's Harbor, and one on one of the tributaries of Willapa bay, when, in the judgment of the fish commission, it be deemed advisable. (2 Rem. & Bal. Code, § 5166.)

18. Hatcheries to Be in Control of Commissioners.

The State Fish Commissioner shall have charge and control of the state fish hatchery or hatcheries, and the management of the same, under the supervision of the fish commission, and shall have power to employ such assistance and purchase such supplies as may be necessary to maintain and operate such state fish hatchery or hatcheries. (2 Rem. & Bal. Code, § 5167.)

19. Commissioners Shall Be Allowed Actual Traveling Expenses.

Said board of commissioners shall receive no compensation for their services as such board, but shall be allowed necessary actual traveling expenses. All accounts for expenditures incurred or made pursuant to the provisions of this act shall be audited and approved by said commissioner before presentation to the State Auditor: Provided, That no traveling expenses be allowed unless vouchers show that railroad and other expenses were actually paid. (2 Rem. & Bal. Code, § 5168.)

("This act" refers to sections 15-19.)

20. Wire Screens at Head of Canals, Ditches and Flumes.

Any person or persons, company or corporation owning, operating or controlling any canal, ditch or flume used for irrigating purposes shall erect on streams where state fish hatcheries are located and keep at the head of every such canal, ditch or flume, a wire screen or grill; the design and construction of the same shall be under the direction and approval of the State Fish Commissioner; said wire screen or grill shall be well constructed, and the meshes of said screen or grill shall not be farther apart than one-fourth of one inch, and shall be securely placed in the head of every such channel, flume or ditch, so as to prevent the ingres of any mountain trout or other food fishes from any of the lakes or streams of this state. (2 Rem. & Bal. Code, § 5169.)

(See following section.)

21. Penalty.

Any person or persons, company or corporation, or any agent of any company or corporation, violating any of the provisions of the last section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty, nor more than five hundred dollars. (2 Rem. & Bal. Code, § 5170.)

PRIVATE FISH HATCHERIES.

22. Riparian Proprietor May Establish Private Hatchery.

Any riparian proprietor may estabilsh a private fish hatchery for the cultivation of food fishes, and for such purpose and use may, within the limits of his own premises, inclose the waters of any river of stream or lake in this state, subject to the conditions and regulations hereinafter provided, and any person lawfully conducting any such private fish hatchery and engaged in the artificial propagation, culture and maintenance of fishes, may take them in his own inclosed waters wherein the same are so cultivated and maintained at any time and for any purpose. (2 Rem. & Bal. Code, § 5171.)

23. Private Hatchery—Passageway for Migratory Fish—Passageway for Boats, Etc.—Exceptions.

Any person, firm or corporation establishing a private fish hatchery and inclosing the waters of a river or stream, as provided in the preceding section shall provide and furnish a suitable passageway along said hatchery for migratory fishes naturally frequenting such waters, above and below such hatchery, and shall so place and construct said inclosure as to allow the passage of boats, saw logs, shingle bolts, cordwood, fencing posts or rails, without unreasonable delay, when such inclosure is upon a river or a stream navigable and generally used for the navigation of boats, or for the floating down of logs, fencing posts, or rails: Provided, That if the person, firm or corporation inclosing

the waters of a river or stream, as herein provided, is the sole riparian proprietor thereof from such inclosure to and including the source of such river or stream, such person, firm or corporation shall be excepted from the operation of this section, and shall not be required to furnish any passageway for fish or for boats, logs, fencing or other material. (2 Rem. & Bal. Code, § 5172.)

24. Private Hatchery Defined.

Any person, firm or corporation engaged in the business of taking fish spawn and the artificial hatching thereof, or in the raising of fry and fish therefrom, in any of the waters or streams of this state, shall be deemed to be conducting a private fish hatchery under the terms of this act. (2 Rem. & Bal. Code; § 5173.)

("This act" refers to sections 22-33.)

25. Sale of Fish from Private Hatchery Prohibited, Unless Location, etc., Be Approved, and Same Licensed.

No fish spawn, fry or fish from any private fish hatchery shall be sold under the terms of this act, unless the location and plan of such hatchery, including the character and size of fishway and passage, be approved by the Fish Commissioner, and the same duly licensed as a private fish hatchery. (2 Rem. & Bal. Code, § 5174.)

("This act" refers to sections 22-32. Penalty—See section 32.)

26. When Fish May Be Sold.

The product of such fish hatchery, fish spawn, fry and fish may be sold at any time of the year by such hatchery or their then vendees after having first complied with the terms of this act and the regulations of the Fish Commissioner in relation thereto. (2 Rem. & Bal. Code, § 5175.)

("This act" refers to sections 22-33.)

27. License Fee.

Each private fish hatchery, before it shall be entitled to the benefits of this chapter, shall pay an annual license

fee of twenty-five dollars to the Fish Commissioner. (2 Rem. & Bal. Code, § 5176.)

("This chapter" refers to sections 22-33. Penalty—See section 32.)

28. Reports to Fish Commissioner.

It shall be the duty of the superintendent or person in charge of any private fish hatchery to make a quarterly report to the State Fish Commissioner of the amount of spawn, fry and number of fish sold, and the name and address of the party receiving the same. It shall be the duty of each person, firm or corporation affected by the provisions of the following section to render to the Fish Commissioner of the State of Washington a quarterly report giving a detailed statement showing the amount of spawn, fry and number of fish received from any private hatchery, and giving the name and postoffice address of the superintendent or manager of the same. (2 Rem. & Bal. Code, § 5177.)

(Penalty—See section 32.)

29. License Fees for Business of Buying, Packing, Selling, Etc.

Every person, firm or corporation engaged in the business of buying and selling, packing and preserving, or otherwise dealing in trout or other food fish obtained from private hatcheries of this state, shall procure a license for such business from the Fish Commissioner of the state and shall pay an annual license fee of two dollars and fifty cents. (2 Rem. & Bal. Code, § 5178.)

(Penalty—See section 32.)

30. Unlawful to Take Fish Without Permission of Proprietor of Private Hatchery.

No person shall take fish in any manner from the inclosed portion of any river, stream, pond or other water in which a private fish hatchery is located, or in which fish are artificially propagated, cultivated and maintained

under the provisions of this chapter, without permission of the owner or proprietor of such hatchery. (2 Rem. & Bal. Code, § 5179.)

("This chapter" refers to sections 22-33. Penalty—See section 32.)

31. Fish and Game Protection Fund.

All moneys collected for licenses and fines under the provisions of this chapter shall be turned into the state treasury and placed in the fish and game protection fund. (2 Rem. & Bal. Code, § 5180.)

("This chapter" refers to sections 22-33.)

32. Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not more than five hundred dollars or by both such fine and imprisonment. (2 Rem. & Bal. Code, § 5181.)

("This chapter" refers to sections 22-33.)

33. Tags or Brands on Fish Sold.

The State Fish Commissioner shall have authority to require tags, branding or other device attached to all fish sold from private hatcheries. (2 Rem. & Bal. Code, § 5182.)

REGULATIONS FOR THE CATCHING OF SALMON AND OTHER FOOD FISHES.

34. Puget Sound Rivers and Deception Pass—Other Salt Waters—Regulation—Trap, Nets and Fixed Appliances.

Hereafter it shall be unlawful to construct, own, operate and maintain within any of the rivers of this state flowing into Puget Sound and within said bodies of water within a distance of three miles from the mouth of any such river, and also within that arm of Puget Sound and body of water known as Deception Pass, or within one-half mile of the west entrance thereof and in any of the other salt waters of this state at a greater depth than sixty-five feet at low tide, any pound net, trap, weir, fish wheel, or other fixed appliance, set lines excepted, for the purpose of catching salmon or other food fishes, and for the purpose of enforcing the provisions of this section, the Fish Commissioner shall indicate the mouths of said rivers by driving piles therein. It shall also be unlawful hereafter to use any purse net, purse seine, or other like seine within two miles, and drag seines within one miles from the mouth of any of said rivers or within said rivers. It shall be unlawful to use any purse seine or purse net longer than five hundred feet, the meshes of which are less than two and one-half (2½) inches stretch measure: Provided, That nothing in this act or any other act shall prevent any person residing in this state from taking salmon or other fist by any means at any time for consumption by himself and family: Provided, That there shall be a closed season for the catching of salmon in the Skagit river from July 15th to September 15th hereafter: Provided, That this provision shall not apply to persons fishing with nets the meshes of which are not less than eight and one-half inches

stretch measure: Provided further, That there shall be no commercial fishing hereafter in the Snohomish river above the Snohomish wagon bridge, or above tide water in the Duwamish river. (2 Rem. & Bal. Code, § 5183.)

(See sections 37, 42, 43, 44 and 45. For locations, etc.—See section 65. For penalty—See section 77 and note thereto. "Puget Sound"—See sections 46 and 79. Length of nets—See section 44.)

35. Fishing Appliance as Public Nuisance and Abatement Thereof.

Any such fishing appliance or part thereof found in any of the waters of this state wherein the same are prohibited by the terms of the last section, the same being placed therein for the purpose of illegal fishing, is hereby declared to be a public nuisance, and shall be subject to abatement as a public nuisance, and it shall be the duty of the Fish Commissioner to enforce the provisions of this section. (2 Rem. & Bal. Code, § 5184.)

36. Boats, Seines and Other Appliances May Be Confiscated.

Any and all appliances used in violation of any of the provisions of this act, viz., boats, traps, nets, weirs, fish wheels, or other appliances, shall be subject to execution for the payment of the fines herein provided. Such appliances may be seized by the Fish Commissioner and shall be forfeited to the state, and the proceeds turned into the fish hatchery fund, and the superior court of the state shall have exclusive jurisdiction in all such cases. (2 Rem. & Bal. Code, § 5185.)

("This act" refers to provisions superseded by sections 34, 35, 42, 43, 45, 62, 66, 69 and 71-75, inclusive. Penalties for violations —See sections 77 and 78 and notes thereto. Courts—See section 52.)

37. Closed Season—Puget Sound—Regulations—Fishing Hours.

It shall be unlawful to take or fish for salmon, except with hook or line, in any of the tributaries of Puget Sound, except as provided in section 34 hereof;

and it shall further be unlawful to take or fish for salmon with pound nets, fish traps, weirs, or fish wheels, or other fixed appliances, or with purse seine, purse nets, or other like seines or nets, in any of the open waters of Puget Sound, between the hours of four o'clock P. M., Friday, and four o'clock P. M., Sunday of each week of each year; and it shall further be unlawful to take or fish for salmon with gill nets in that arm of the sound known as Swinomish slough, or in any of the other sloughs, or in any of the waters of Puget Sound, or tributaries thereof, between the hours of six o'clock A. M., Saturday, and six o'clock P. M. of Sunday of each week in each year, and it shall be unlawful to fish for sockeye salmon in the waters of Puget Sound between August 25th and September 15th of each year, and any salmon of that species taken between the last named dates in the waters of Puget Sound shall be liberated. That between four o'clock P. M., Friday, and four o'clock A. M., Sunday, of each week of each year, as above provided, all pound nets or fish traps operated within the waters of Puget Sound shall be closed by an apron placed across the entrance to the heart of the trap or pound net, which apron shall extend from above the surface of the water to the bottom of the sound at the place where the trap is maintained and be connected securely to the piles on either side of the entrance to the heart of such trap or pound net, fastened by rings not more than four feet apart on a taut wire stretched from top to bottom of piles so as to effectually prevent any salmon from entering the heart of such trap or pound net. Any person violating any of the provisions of this section, whether or not such a violation is otherwise specifically declared to be a misdemeanor, either by neglecting to observe the requirements of this section, or by violating any of the requirements thereof shall be deemed guilty of a misdemeanor, and shall upon conviction thereof in each and every offense be subject to a fine of not less than two hundred and fifty dollars ($250) nor more than one thousand dollars ($1,000), or by

imprisonment in the county jail not less than twenty-five days nor more than one year, or by both such fine and imprisonment. (2 Rem. & Bal. Code, § 5186.)

(See section 44.)

38. Closed Season in Grays Harbor and Other Waters—Fishing in Certain Waters Prohibited—Penalty.

It shall be unlawful to take or fish for salmon in the waters of Grays Harbor or its tributaries from the 15th day of March to the 15th day of April, and from the 25th day of November to the 25th day of December in each year. And also it shall hereafter be unlawful to take or fish for salmon in any of the following named tributaries of Grays Harbor from the 15th day of August to the 15th day of November in each year above the points hereinafter described, to-wit: It shall be unlawful to take or fish for salmon in the Chehalis river above a point one-half mile below the mouth of the Wynooche river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Humptulips river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Elk river; it shall be unlawful to take or fish for salmon above a point one-half [mile] above the mouth of the Johns river. The Fish Commissioner is hereby empowered to indicate the points above which fishing may not be done as provided hereinbefore, by driving piles at the points in said streams above designated, which shall mark the points above which said fishing shall not be done. It shall be unlawful to take or fish for salmon in the waters of Willapa Harbor or its tributaries from the 15th day of March to the 15th day of April, and from the 1st day of August to the 1st day of September and from the 5th day of December to the 5th day of January in each year. And, also, it shall be unlawful to take or fish for salmon in any of the following tributaries of Willapa Harbor above tide-water in said rivers; North river, Willapa river, Nasel river, Palix river, Nema river,

and Bear river, and for the purposes of this act the head of the tide water shall be on North river at the upper end of the lower log boom; on the Willapa river, the main wagon bridge near Willapa City; on the Nasel river, the gap of the main log boom; on the Bear river, Masny's Landing; on the Nema and Palix rivers at the head of navigation for fish boats at mean low tides: Provided, That for two years next ensuing after the passage of this act, all licenses now in force above these specific points may be renewed and continued in force, but no new licenses shall be issued for fishing above these points. Nothing in this act shall be construed to prevent fishing with hook and line, commonly termed angling, in any of the above rivers. It shall be unlawful to take or fish for salmon or sturgeon in the Columbia river or its tributaries or in any of the waters or sloughs thereof west of the north and south line between sections 14 and 15 in township 15, each of the Willamette meridian, or within three miles outside of the mouth of said Columbia river, by any means whatever in any year between 12 o'clock meridian on the 1st day of March, and 12 o'clock meridian on the 1st day of May, and between 12 o'clock meridian on the 25th day of August and 12 o'clock meridian on the 10th day of September, and between 6 o'clock p. m. on Saturday of each week and 6 o'clock p. m. on the Sunday following from the 1st day of May to the 25th day of August, both inclusive, of any year. And it shall be unlawful to take or fish for salmon in the Columbia river or any of its tributaries easterly of the north and south line between sections 14 and 15 in township 15, east of the Willamette meridian, by any means whatever in any year between 12 o'clock meridian on the 15th day of March and 12 o'clock meridian on the 1st day of June or between 12 o'clock meridian on the 25th day of August and 12 o'clock meridian on the 10th day of September, except the Snake river. And it shall be unlawful to take or fish for salmon in the Snake river, or

any of its tributaries, by any means whatever, in any year between 12 o'clock meridian on the 1st day of March and 12 o'clock meridian on the 1st day of June, or between 12 o'clock meridian on the 1st day of August and 12 o'clock meridian on the 5th day of September. And it shall be unlawful to take or fish for salmon by any means whatever, except with hook and line, commonly termed angling, in the Kalama river, Lewis river, Wind river, Little White Salmon river, Wenatchee river, Methow river, Little Spokane river, and Colville river, and in the mouths thereof, and in the Columbia river within one mile below the mouth of the above named rivers: Provided, No traps shall be located on or within three miles below the mouth of the Lewis river. It shall be unlawful at any time to take any fish with a net, trap or other device than hook and line in Chambers creek in the county of Pierce, or within two hundred and fifty yards of the mouth of said creek, and the mouth of said creek shall be construed to mean the junction where the fresh and salt waters meet at low tide. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof for each and every offense be subject to a fine of not less than fifty dollars nor more than one thousand dollars, or may be imprisoned in the county jail not less than ten days nor more than one year, or may be both fined and imprisoned. (Ch. 104, Laws 1911, amending 2 Rem. & Bal. Code, § 5187.)

39. Protection of Sturgeon—Closed Season—Penalty.

Hereafter it shall not be lawful for any person or persons to take, capture or kill in the waters of the Columbia river or tributaries thereof any sturgeon between the first day of March and the first day of November in each and every year, under a penalty of twenty dollars for each and every sturgeon so taken, captured or killed, or had unlawfully. (2 Rem. & Bal. Code, § 5188.)

40. Protection of Young Sturgeon—Penalty.

It shall not be lawful at any time to take or kill any young sturgeon under four feet in length, or fish for the same by any device or appliance whatever in the waters of the Columbia river or tributaries thereof, and any person or persons fishing with gill nets, fish wheels or other fishing apparatus whatever in the waters of the Columbia river or tributaries thereof, who on lifting, drawing, taking up or removing any of said nets, or other fishing apparatus, shall find young sturgeon under four feet in length entangled or caught therein, shall immediately, with care and the least possible injury to the fish, lisentangle and let loose the same and transmit the fish to the water without violence. Any person or persons violating any of the provisions of this section, or having in their possession young sturgeon under four feet in length, either for consumption or sale, or who is known to wilfully destroy the same, for so offending shall, on conviction thereof, be punished with a fine of ten dollars for each and every fish so caught, sold or destroyed. (2 Rem. & Bal. Code, § 5189.)

41. Chinese Lines Prohibited—Penalty.

It shall be unlawful to cast, extend, set, use or continue or assist in casting, extending or using any Chinese sturgeon lines, or lines of a similar character, in the waters of this state. The Fish Commissioner and any deputies are hereby authorized to seize and destroy any such lines found in said waters, and they are hereby authorized to arrest forthwith any person or persons detected in setting or using any Chinese sturgeon lines, or lines of similar character, in the waters of this state. Any person violating any of the provisions of this section shall be fined in a sum not less than twenty-five dollars and not more than one hundred dollars. (2 Rem. & Bal. Code, § 5190.)

42. Where Pound Nets, Traps, Etc., May Be Used—License—When and Where Unlawful to Fish for Salmon.

The use of pound nets, traps, weirs, fish wheels and other fixed appliances, and purse nets, drag seines and other seines for catching salmon is hereby authorized in all the waters of this state wherein the same is not prohibited by section 34 hereof, subject to the regulation and license hereinafter provided for or otherwise required by law, and the use of set nets, and gill or drift nets, subject to said license and regulation for said purpose is authorized in all the waters of this state, except as otherwise provided by law: Provided, however, That no fishing appliances shall be constructed, operated or maintained upon any of the waters of this state or the Columbia river or its tributaries by any person whomsoever, unless such person shall have first obtained a license so to do from the Fish Commissioner of this state, who is hereby authorized to issue said licenses: Provided, further, That the Fish Commissioner shall obtain from the State Auditor all licenses in blank, and that when he reports to the State Treasurer, the number of licenses so received shall be accounted for. The State Auditor is hereby authorized and directed to prepare in blank consecutively numbered, all licenses to be turned over as herein provided to the Fish Commissioner, keeping a receipt for the licenses so delivered. A separate license shall be required for each trap, pound net, weir, fish wheel or any other fixed appliance, and for every purse net, purse seine, drag seine, or other seine, gill net, drift net or set net, which license shall be numbered and dated, and shall specify the number of the pound net, trap, weir, fish wheel or other fixed appliance, seine, gill net, drift net or set net, which number shall be designated by the said commissioner, and said license shall also contain the name of the person to whom such license shall be granted. No license shall be issued to any person who is not a citizen of the United States, unless such per-

son has declared his intention to become such one year prior thereto, and is and has been for one year immediately prior to the time of the application for license an actual resident of the State of Washington, nor shall any license be issued to any corporation unless such corporation shall be authorized to do business in this state: Provided, That nothing in this act shall be construed to prevent the issuance of licenses to women, minors of the age of eighteen years or more, or Indians, who possess the qualifications of citizenship and residence herein before required; nor to prevent the renewal of any licenses by persons now holding the same: Provided, Licenses issued by the State of Oregon shall be deemed valid as to gill nets for use on the Columbia river as though issued by the Fish Commissioner of this state. No more than three licenses shall be issued to any one person, firm or corporation. Licenses may be assigned or transferred to any person or corporation entitled to hold licenses under the provisions of this act: Provided, That notice is given to the Fish Commissioner of said transfer or assignment by the transferee within twenty days from the date of said transfer or assignment: And provided further, If such notice of transfer is not given such license shall be void. No person or corporation shall own, operate or construct, or cause to be constructed or operated any pound net, trap, weir, fish wheel or other fixed appliance for the catching of salmon, on the waters of the Columbia river, or its tributaries, or in any of the waters of the State of Washington, the meshes of which are less than three inches stretched measure. (2 Rem. & Bal. Code, § 5191.)

(For license fees, see sections 62 and 64, and see, also, sections 54-58 and 65, inclusive. For penalty, see section 77 and note thereto.)

43. License Number and Lights Displayed—Seines and Nets Branded—Boats Numbered.

Any person owning, operating or using any pound net, trap, weir, fish wheel or other fixed appliance for taking

salmon, shall cause to be placed in a conspicuous place on said pound net, trap, weir, fish wheel or other fixed appliance, the number designated by the Fish Commissioner at the time of issuing the license for the operation thereof; said number to consist of black figures, not less than six inches in length, painted on white ground; any person owning or operating or using any seine, purse net, gill net or set net for the purpose of taking salmon, shall cause to be branded the corks of each end of the seine, purse net, gill net or set net, and upon the cork nearest the center thereof, the number designated by the Fish Commissioner at the time of issuing the license for the operation of said seine or net; said number to consist of figures not less than one-half inch in length, and shall also cause to be placed upon each side of the bow of the boat used to operate such seine or net such license number, preceded by a capital "W," the same to consist of black figures not less than six inches in length painted on white ground. All pound nets or traps shall conspicuously show at night time, between sunset and sunrise, a bright white light. (2 Rem. & Bal. Code, § 5192.)

(For penalty, see section 77 and note thereto; for license fees, see section 62.)

44. Set Nets to Be Used on Puget Sound, Etc.—Penalty.

It shall be unlawful for any person, firm or corporation on Puget Sound or its tributaries to fish for salmon by means of set nets of greater length than three hundred feet and no set net shall be permitted to be constructed in the form of a pound net or with pots or hearts connected therewith or in any other means than by stakes driven in substantially a straight line. Any person violating any of the provisions of sections 38, 44 and 64 hereof shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject for each and every offense, to a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) or by imprisonment in the county

jail not less than five days nor more than thirty days. (2 Rem. & Bal. Code, § 5193.)

(Penalty for violations of section 38 therein fixed seems to supersede this section as to such violations. See section 34, length of nets; hours of closing, see section 37.)

45. Nets, How Constructed, Size, Passage Ways, Etc.

No lead of any pound net, trap, fish wheel or other fixed appliance used or operated in the waters of the Columbia river or its tributaries, Willapa Harbor or Grays Harbor in this state for catching salmon shall exceed eight hundred feet in length, and in the waters of Puget Sound two thousand five hundred feet in length. There shall be an end passage way of at least thirty feet, and a lateral passage way of at least nine hundred feet, between all pound nets, traps, weirs, fish wheels or other fixed appliances hereafter constructed and placed within the waters of the Columbia river and its tributaries, Willapa Harbor and Grays Harbor within this state, and there shall be an end passage way of at least six hundred feet and a lateral passage way of at least twenty-four hundred feet, between all pound nets, traps, weirs or other fixed appliances hereafter constructed and placed within the waters of Puget Sound in this state. For the purpose of determining end passage ways, base lines shall be drawn at right angles with the general course of locations first originally established and intersecting the ends thereof, and the end passage ways shall be measured at right angles from such base lines: Provided, This section shall not effect any locations lawfully existing under previous statutes when this act takes effect; and any or all such fishing appliances may be maintained upon such existing locations as though this act had not been passed, or they may be changed to conform to the provisions hereof as to end passages at the option of the location owners and holders thereof. (2 Rem. & Bal. Code, § 5194.)

(This act took effect March 9, 1905. For penalty, see section 77 and note thereto; passageways, etc., see section 65.)

46. Puget Sound Defined.

For the purpose of more clearly defining the provisions of the last section, all that portion of the tide waters emptying into the Straits of Fuca, and the bays, inlets, streams and estuaries thereof, shall be known and designated in this act as Puget Sound. (2 Rem. & Bal. Code, § 5195.)

("This act" refers to laws superseded by sections 34, 37, 38, 44 and 45.)

47. Young Salmon Must Be Restored to Water Where Caught.

Every person who by seine or any means whatever, except by hook and line, shall catch young salmon of ten inches in length or less, in the waters of Puget Sound, or in any of the streams flowing into Puget Sound, and who shall not return the same immediately alive to the water, or who shall sell or offer for sale any such fish, or shall wilfully destroy any small fish not merchantable, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than seventy-five dollars for each and every offense. (2 Rem. & Bal. Code, § 5197.)

(See note to section 77.)

48. Corrupting Waters Containing Fish—Explosives.

It shall not be lawful to cast or pass, or allow to be cast or passed, into any water of this state into which salmon or trout are wont to be, any lime, gas, cocolus indicus, or any other substance deleterious to fish, or to explode or cause to be exploded any powder, Hercules powder, dynamite, nitro glycerine or any other explosive substance, for the purpose of catching, killing or destroying salmon or other food fish, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than fifty dollars nor more than two hundred and fifty dollars. (2 Rem. & Bal. Code, § 5198.)

(See note to section 77.)

49. Dam Owners to Provide Fishways.

Any person or persons now owing, or maintaining, or who shall hereafter construct or maintain any dam or other obstruction across any stream in the state in which any food fish are wont to ascend, without providing a fishway or ladder determined and approved by the Fish Commissioner of this state and suitable to enable the fish to pass over, through or by said obstruction, upon construction thereof shall be guilty of a misdemeanor, and punished by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, and said dam may, in the discretion of the court, be abated as a nuisance. Any person who at any time shall catch or take any food fish of the State of Washington within one hundred yards of any fishway or fish ladder, whether such fishway or ladder is lawful or not, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred and fifty dollars. (2 Rem. & Bal. Code, § 5199.)

(See note to section 77.)

50. Casting Sawdust and Other Waste Into Streams.

It shall not be lawful for the proprietor of any saw mill in this state, or any employe therein, or any other person, to cast sawdust, planer shavings, or other lumber waste made by any lumber manufacturing concern or suffer or permit such sawdust, shavings or other lumber waste to be thrown or discharged in any manner into the Columbia river and its tributaries, and all other streams and lakes in this state where fish resort to spawn, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one hundred nor more than two hundred and fifty dollars. (2 Rem. & Bal. Code, § 5200.)

(See note to section 77.)

51. Salmon defined.

Whenever the term salmon is used in this act it shall be construed to include Chinook, steelhead, blueback, silversides and all other species of salmon. (Laws 1890, p. 108, § 11.)

("This act" refers to section 46 hereof and to laws superseded by sections 34-38, inclusive, 42-44, inclusive, 47, 50 and 59, inclusive.)

52. Jurisdiction of Justice of the Peace.

Justices of the peace shall have concurrent jurisdiction with the superior court of all offenses mentioned in this act. (2 Rem. & Bal. Code, § 5201.)

("This act" refers to provisions superseded by sections 36, 38 and 45-53, inclusive, and 59. Exclusive jurisdiction when in superior court, see section 36.)

53. Taking Fish for Propagation Is Lawful.

Nothing in this act shall be construed so as to prevent the taking of fish at any time of year, and in any manner, for propagation. (2 Rem. & Bal. Code, § 5202.)

("This act" refers to provisions superseded by sections 38 and 45-53, inclusive, and 59. This section apparently limited by section 72.)

54. Right to Take Fish for Sale Limited to Citizens.

It shall be unlawful for any person to fish or take for sale or profit any salmon, sturgeon, or other food fish in any of the rivers or waters of this state, or over which it has concurrent jurisdiction in civil and criminal cases, unless such person be a citizen of the United States, or has declared his intention to become such one year prior thereto, and is and has been for six months immediately prior to the time he engages in such business an actual resident of the state. (2 Rem. & Bal. Code, § 5203.)

(This and the two following sections modified by section 42 as to licenses, etc. Penalty, see section 77 and note thereto.)

55. Fact of Citizenship and Residence, How Determined.

Any person desiring to fish for salmon, sturgeon, or other food fish in any such rivers or waters may go be-

fore any county clerk of any county of this state and furnish satisfactory evidence of his citizenship, or of the fact that he has declared his intentions to become such one year prior thereto, and file his own affidavit and the affidavit of two other persons, to the effect that he is and has been for six months prior thereto an actual bona fide resident of this state, and thereupon such recorder or clerk shall issue to him a certificate briefly reciting those facts, and thereafter in any prosecution against such person for a violation of the provisions of this act such certificate or duly authenticated copies of the record in the office of the clerk or recorder relative thereto shall be prima facie evidence of his citizenship and residence as in this act required. But in all prosecutions under this act the burden of proof shall be on the defendant to establish the facts of his citizenship and residence. (2 Rem. & Bal. Code, § 5204.)

("This act" refers to sections 54-58, inclusive. See note to section 54.)

56. Punishment Upon Conviction of Offense.

Any person violating any of the provisions of this act, upon conviction thereof before any justice of the peace, shall be fined not less than five nor less [more] than one hundred dollars. (2 Rem. & Bal. Code, § 5205.)

(See note to sections 54 and 55.)

57. Certificate—Fee for Issuing—Registry.

For taking the affidavits and issuing the certificates herein provided for, the clerk shall collect from the party applying the sum of one dollar, to be paid into the county treasury; and he shall keep in his office a record of all certificates issued pursuant to this act. (2 Rem. & Bal. Code, § 5206.)

("Herein provided for" refers to sections 54-58, inclusive.)

58. Persons Excepted from Operation of Above Sections.

Nothing in this act shall be construed to prevent citizens of any state having concurrent jurisdiction with this

state over or upon any rivers or waters from fishing upon such rivers or waters: Provided, That this act shall not apply to Indians. (2 Rem. & Bal. Code, § 5207.)

("This act" refers to sections 54-58.)

59. Taking of Salmon Near Fish Rack.

It shall be unlawful to catch, kill or in any manner destroy any salmon on or within one mile below any rack or other obstruction erected across any river or stream for the purpose of obtaining fish for propagation, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in a sum of not less than fifty dollars nor more than two hundred and fifty dollars; and any and all appliances used in the violation of this section, boats, nets, traps, wheels, seines, or other appliances, shall be subject to execution for the payment of the fine imposed. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty dollars nor more than two hundred and fifty dollars. (2 Rem. & Bal. Code, § 5208.)

(See note to section 77.)

60. Protection of Salmon or Salmon Trout in Olympia Harbor.

It shall be unlawful for any person at any time to take in any manner except with hook and line any salmon or salmon trout within the limits of townships 18 and 19 N., R 2 and 3 west, Willamette meridian, in the State of Washington. (2 Rem. & Bal. Code, § 5209.)

(See following section.)

61. Penalty.

Any person violating any of the provisions of the preceding section shall upon conviction thereof be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) or imprisonment

in the county jail for not less than ten (10) days nor more than thirty (30) days, or both such fine and imprisonment, in the discretion of the court. (2 Rem. & Bal. Code, § 5210.)

62. License Fees for Fishing Appliances—Monthly Statements—Sworn Statements.

All licenses provided in sections 42 and 43 hereof shall be issued as follows: Upon application therefor by any person, a license shall be issued by the Fish Commissioner for fixed and other appliances for catching salmon or other food fishes as herein provided, which shall entitle the holder to operate said appliances in the waters of this state, wherein such appliances are not prohibited by law. The following fees for such licenses shall be collected by the Fish Commissioner and turned over to the State Treasurer on or before the tenth of each month, and by him turned into the fish hatchery fund, to-wit:

For each drag seine not exceeding 250 feet in length.	$2.50
For each drag seine more than 250 feet in length and not more than 400 feet in length.....	7.50
For each drag seine more than 400 feet in length and not exceeding 500 feet.....	15.00
For each additional foot in length, the further sum of	.03
For each first class pound net, trap or weir, on the Columbia river	25.00
For each second class pound net, trap or weir on the Columbia river	10.00
For each first class purse seine	50.00
For each second class purse seine.....	25.00
For each gill net or drift net.....	5.00
For each set net.....	2.50
For each pound net, trap or weir on Willapa harbor and Grays harbor	10.00
For each pound net, trap or weir (except on the Columbia river, Willapa harbor or Grays harbor)..	50.00
For each scow fish wheel.....	15.00

Stationary fish wheels shall pay twenty-five dollars for first class wheels, and ten dollars for second class wheels, all classification of wheels, pound nets and purse seines to be determined by the Fish Commissioner: Provided, Where any trap or pound net is so constructed as to take fish at each end of its main lead, it shall obtain and pay for a license especially permitting the taking of fish at both ends, for which it shall pay a license fee double the amount of a pound net or a trap taking fish at one end only. In addition to the foregoing license charges there shall also be paid by the owner of each trap, pound net or fish wheel operated in the waters of the state, the sum of one dollar for each one thousand fish taken by such trap, pound net or fish wheel [to furnish to the Fish Commissioner on or before the tenth day of each month.] It shall be the duty of every person owning or operating any trap, pound net or fish wheel to furnish to the Fish Commissioner on or before the tenth day of each month a sworn statement giving the number and location of such trap or pound net and a detailed statement of the actual number of fish caught at such trap or pound net, and in addition to answer such questions as the Fish Commissioner shall propound with reference thereto, which statement shall be filed with and retained by the Fish Commissioner. Any person, firm or corporation using scows and boats or other craft in the buying of fish on the Columbia rive, are hereby required to obtain from the Fish Commissioner of the State of Washington, before engaging in said trade or occupation, a license for such scow, boat or other craft: Provided, That this shall not apply to scows, boats and other craft regularly used in buying fish for, and transporting fish to canneries and packing plants which pay an annual license fee to the State of Washington of at least one hundred dollars each. Each person, firm or corporation obtaining such license shall pay to the Fish Commissioner of the State of Washington at the time said license is issued, the sum of fifty dollars ($50.00). All licenses issued under the pro-

visions of this act shall expire on the thirty-first day of March following the issuance of such license, and shall be renewed upon application and upon payment of the license fees as provided in this act: Provided, That licenses now issued shall be valid until their expiration, and shall likewise be renewed to expire on March thirty-first following the issuance of such license. (2 Rem. & Bal. Code, § 5211.)

(Words in brackets apparently error. For penalty, see section 78 and note thereto.)

63. Abandonment of Location.

If the locator or owner of a fishing location for pound nets or fish traps in the waters of Puget Sound fails to construct his fishing appliances thereon at least one time during a period of four years, his location shall be deemed abandoned, even though he shall during said period comply with the requirements of the laws of the State of Washington pertaining to fishing locations in other respects. Any statute of the State of Washington inconsistent with the provisions of this section is hereby repealed. (2 Rem. & Bal. Code, § 5212.)

(Other abandonments, see section 65.)

64. License Fees for Buying, Packing.—Monthly Statement.—Retail Dealers, Etc.—Penalty.

Every person, firm or corporation, either as principal, agent or employe engaged in the business or buying or selling, and preserving or otherwise dealing in salmon other than canneries thereof, shall pay as a license the sum of ninety cents per ton net weight of said fish bought and sold, preserved or otherwise dealt in: Provided, No person engaged in the business aforesaid shall pay less than two dollars and fifty cents per annum. It shall be the duty of each person, firm or corporation affected by the provisions of this section to render to the Fish Commissioner of the State of Washington on or before the tenth day of each month, on blanks to be furnished by the Fish Commissioner, a detailed statement showing net amount of fresh fish bought and sold, preserved or otherwise dealt in during the pre-

ceding month, and each person shall pay to the said commissioner the amount due under the provisions therefor, on or before the tenth of each month, and a failure or neglect to do so shall constitute a misdemeanor and upon conviction thereof the offender may be punished as hereinafter provided: Provided, however, That every person, firm or corporation, either as principal, agent or employee (except retail dealers purchasing for their own trade) engaged in buying, selling, preserving or otherwise dealing in salmon other than canners thereof taken in the waters of Grays Harbor or its tributaries in the State of Washington, shall before engaging in such business procure from the Fish Comimssioner a license to buy, sell, preserve or otherwise deal in at least one hundred tons of salmon taken from such waters and pay therefor to said Fish Commissioner the sum of ninety dollars, which said license shall entitle such person, firm or corporation to buy, sell, handle, preserve or otherwise deal in one hundred tons of salmon taken from said waters during the season for which such license is granted. Should such person, firm or corporation during the year for which such license is issued exceed one hundred tons of salmon in his, their or its purchase, sale, preserving or dealing, such person, firm or corporation shall immediately upon the completion of the purchase, sale or preserving of one hundred tons of salmon, thereafter be governed by and comply with and make payments upon all salmon purhased, sold, preserved, or otherwise dealt in, in excess of one hundred tons during the said year with the provisions of this section contained and declared before this proviso and a failure or neglect upon the part of any person, firm or corporation to comply with the requirements of this section or the requirements of this proviso shall constitute a misdemeanor and upon conviction thereof the offender shall be punished as in this act hereby amended provided. (2 Rem. & Bal. Code, § 5213.)

(For penalty, see section 44.)

65. Survey and Map of Locations for Set Nets, Pound Nets or Fish Traps—Marking Location of Drag Seines and Set Nets—Regulations—Rights of Locator.

Every person, firm or corporation who at the time this act takes effect shall be lawfully occupying any set net, pond net, or fish net trap location in the waters of Puget Sound in the State of Washington under any provisions of the statutes of this state, or who thereafter may desire to so occupy any unoccupied or unclaimed fishing location where it may be lawful to construct a set net, pound net or fish trap in said waters, shall within sixty days after this act takes effect in case of existing locations, and at the time they are sought to be made in the case of new locations, cause all such locations to be accurately surveyed by a competent civil engineer, unless such like survey thereof of any location has already been made, in which case such existing survey may be used; and such occupant or claimant shall cause a location map to be made of each fishing location from the actual survey thereof, said map to contain a plat and description of said fishing location sufficient for its ascertainment and identification on the premises; such map must be certified by the engineer who made the survey, to be a true and correct map of the fishing location as shown, which is plated thereon from his survey thereof made on behalf and at the request of the occupant or claiming (naming him). Such map shall also contain a certificate of the occupant or claimant of said location, stating that he claims the fishing location shown on the map, and specifying the date and number of the license under which said location is held; such last mentioned certificate may be signed by the occupant or claimant or by his agent or attorney in his behalf, and shall contain the postoffice address of the occupant or claimant. Such map with the certificates thereon shall be filed in the office of the county auditor of the county in which such fishing

location is situated, and shall from the date of its filing constitute full and complete notice that the location shown upon said map is owned, held, occupied and claimed by the person, firm or corporation designated thereon as occupant or claimant. A duplicate copy of such map shall also be filed (for information only) with the Fish Commissioner of the State of Washington, or of the district within which such location is situated. And it shall be the duty of all county auditors and fish commissioners, in whose office any such maps may be offered for filing, to receive and safely keep same on file in their respective offices. They shall also keep a proper and convenient index of all such maps, showing the time and dates of the filing, the names of the occupant or claimants on whose behalf such maps are filed, and the serial numbers of the maps in the order filed, all of which must be endorsed on the respective maps when filed; but no informality or omission on the part of any such public officer shall impair or prejudice the rights of any occupant or claimant of or to any such fishing location. Every person, firm or corporation being the owner, holder or occupant of any one or more existing set net, fish trap or pound net locations when this act takes effect, shall have the exclusive and preference right for ninety days thereafter within which to file such maps with the respective county auditors. From and after the filing of any such map in the office of any county auditor, the occupant or claimant of the fishing location thereon shown, and his heirs, successors and assigns shall have the exclusive right to occupy, maintain and fish such location, to renew the licenses therefor, and to mortgage, sell and transfer such right, during such time as he or they shall comply with the requirements of the law of the State of Washington, pertaining thereto in other respects. It shall not be necessary hereafter to drive any location piles to indicate fish traps or pound net locations within the waters of Puget Sound in the State of Washington, and all such existing piles shall be removed from such location by the

owners and occupants thereof within ninety days from the date this act takes effect. Upon the construction of any fish trap or pound net, the number of the license under which same is held shall be posted in a conspicuous place thereon and there maintained until such trap is removed: Provided, however, If the locator fails to construct his appliance during the fishing season covered by his license, said location shall be deemed abandoned. At the close of each annual fishing season on Puget Sound the owner and holder of each set net, fish trap or pound net shall remove from the location all piles and structures of every kind. Locations for drag seines may be made by driving a substantial stake or erecting a permanent monument at each end of the location claimed and posting thereon the number of the license under which such drag seine is operated: Provided, That no seine location the title to which is in the state shall occupy a greater space than twice the length of the seine covered by above license. Locations for set nets may be made by erecting a permanent monument near or securely anchoring a buoy on the location claimed, upon which shall be posted the number of the license under which such set net is operated: Provided, There shall be a lateral passage way of at least three hundred feet and an end passage way of thirty feet between all set nets. No fishing appliance or device of any kind whatsoever located or used upon any streams or rivers of this state shall, either by a lead or any parts of said appliance occupy more than one-third of the width of such streams or rivers: Provided, however, That in the Columbia river and its tributaries, Willapa Harbor and its tributaries, Grays Harbor and its tributaries, any person or corporation, after first having obtained a license as provided for in this act, shall indicate locations for traps or pound nets made under such license, by driving at least three substantial piles thereon, which must extend not less than ten feet above the surface of the water at high tide, one of said piles to be driven at each end of the location claimed, and upon said ter-

minal piles there must be posted the license number, and if the locator fails to construct his appliance during the fishing season covered by his license, said location shall be deemed abandoned. After any such trap or pound net has been located, the owner thereof may file a description thereof sufficient for identification with the Fish Commissioner, and shall thereafter have the exclusive right to fish such location and to sell and transfer such right during such time as the locator or owner of such right shall comply with the requirements of the law pertaining thereto in other respects. Locations for drag seines may be made by driving substantial stake or erecting a permanent monument at each end of the location claimed and posting thereon the number of the license under which such drag seine is operated: Provided, That no seine location, the title to which is in the state, shall occupy a greater space than twice the length of the seine covered by above license. Locations for set nets may be made by erecting a permanent monument or securely anchoring a buoy on the location claimed, upon which shall be posted the number of the license under which such set net is operated: Provided, There shall be a lateral passage way of at least three hundred feet and an end passage way of thirty feet between all set nets. No fishing appliance or device of any kind whatsoever located or used upon any streams or rivers of this state shall, either by a lead or any parts of said appliance occupy more than one-third of the width of such streams or rivers. (2 Rem. & Bal. Code, § 5214.)

(See sections 34 and 45. For penalty, see section 77 and note thereto; abandonment of location, see section 63.)

66. Failure to Obtain License, Misdemeanor.

Any person or corporation owning, operating, maintaining or using any pound nets, traps, weirs, fish wheels or other fixed appliances, or any seines, set nets, gill nets or drift nets for the purpose of catching salmon or other food fishes within or upon the waters of this state, without first having obtained a license so to do as provided for in this

act, shall be deemed guilty of a misdemeanor, and any assignee of a license operating any such appliance without giving notice of such assignment as required by this act to the Fish Commissioner, shall be guilty of a misdemeanor. (2 Rem. & Bal. Code, § 5215.)

("This act" refers to provisions superseded by sections 34-78, inclusive, except sections 54-58, inclusive. For penalty, see section 77 and note thereto.)

67. Set Nets—When Not Unlawful.

Nothing in this act shall be so construed as to prevent fishing with set nets in any rivers of this state except when such fishing is expressly prohibited by law, or prohibited by the Fish Commissioner, in his discretion, in rivers on which are located state fish hatcheries. (2 Rem. & Bal. Code, § 5216.)

(See note to section 66.)

68. Protection of Food Fishes—Certain Streams May Be Closed—Notice.

Whenever the Fish Commissioner shall consider that the protection of the food fishes mentioned in this act shall require it, he may close to fishing any stream or river in this state emptying into Puget Sound, the Columbia river, Grays Harbor or Willapa Harbor, in the manner following, to-wit: He shall post in the office of the county auditor of the county or counties through which the stream or streams desired to be closed shall run, a notice stating that on a date set up in said notice, which date shall not be less than thirty days from the date of notice, said stream or streams will be closed to public fishing, and shall cause a like notice to be published in some weekly paper published in said county or counties for not less than four successive issues. Any person fishing in said stream or streams after it shall have been closed as hereinabove provided, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided for the punishment of misdemeanors in this act: Provided, Nothing in this

section contained shall be construed to prohibit hook and line fishing for salmon in any stream or streams in this state. (2 Rem. & Bal. Code, § 5217.)

(See note to section 66.)

69. Fish Hatchery Fund.

All moneys collected for licenses [and fines] under the provisions of this act shall be turned into the state treasury and placed in the fish hatchery fund. (2 Rem. & Bal. Code, § 5218.)

(See note to sections 66 and 70 which latter section seems to modify this.)

70. Fines and Disposition Thereof.

One-half of all fines collected under the provisions of this act or the acts of which this is amendatory shall be paid to the informer, if there be one, one-quarter to the county collecting the same, and the remainder shall be put into the fish hatchery fund in the state general fund. And it shall be the duty of the prosecuting attorney, or justice of the peace to cause to be endorsed upon the back of the indictment or complaint the name of any person who shall voluntarily make complaint for violation of any of the provisions of this act. (2 Rem. & Bal. Code, § 5219.)

("This act," it is thought, refers to provisions superseded by sections 34-78, except 39-41 and 46-61, both inclusive.)

71. Salmon Defined.

Whenever the term salmon is used in this act it shall be construed to include and apply to chinook, steelhead, blueback, silverside, and all other species of salmon. (2 Rem. & Bal. Code, § 5220.)

(See note to section 70; see, also, section 51.)

72. United States Officers May Take for Propagation.

Nothing in this act shall be construed so as to prevent the taking of salmon or other food fishes by the Fish Commissioner or proper officers of the United States for propagating purposes. (2 Rem. & Bal. Code, § 5221.)

(See note to sections 53 and 70.)

73. Reports to Fish Commissioner.

It shall be the duty of all persons who purchase salmon or other food fishes from fishermen or takers or catchers of salmon, or other food fishes, for the purpose of selling or canning them or the product of the same for profit, to report to the Fish Commissioner on blanks furnished by him, on or before the 15th day of November of each year hereafter, the number of each species of fish, stated separately, so purchased by them, or if purchased by weight, the number of pounds of each species, and the average price per pound; such statement or report shall be made under oath. (2 Rem. & Bal. Code, § 5222.)

(For penalty, see section 77 and note thereto.)

74. Oaths May Be Administered by Fish Commissioner.

The Fish Commissioner is hereby authorized to administer oaths, and may require any statement made to him in application for license, or in any report submitted to him, or in any manner connected with the discharge of his official business, to be made to him under oath. (2 Rem. & Bal. Code, § 5223.)

75. Terms Defined.

The term "person or persons" when used in this act, shall be taken to include partnerships, associations and corporations. The term "seine" in this act is intended to cover all forms of nets known as seines, purse seines or purse nets, trawls, beam trawls, stow nets, drag nets, bag nets, draw nets, drift nets, reef nets and dredge nets. (2 Rem. & Bal. Code, § 5224.)

(See note to section 70.)

76. Reports to Fish Commissioner Confidential—Penalty.

All reports showing the status of the business of any person required under the provisions of this act to report to the Fish Commissioner shall be treated by said commissioner as confidential and shall not be open to public in-

spection, nor shall they be published in any way by the commissioner or communicated to any person unless their publication shall be necessary in some civil or criminal proceedings against said person or persons for the purpose of enforcing the provisions of this act: Provided, That the Fish Commissioner may utilize any and all statistics furnished him in any annual, biennial or other report made by him where the use of said statistics or information will not disclose to the public the condition of business of any person: And provided further, That if the Fish Commissioner or any one in his employ shall wilfully publish the said information or statistics disclosing the condition of business of any individual in violation of this section, he shall be guilty of a misdemeanor and shall be punished by a fine of any amount not exceeding one thousand dollars. (2 Rem. & Bal. Code, § 5225.)

(See note to section 70. Penalty, see section 77 and note thereto.)

77. Penalty.

Any person violating any of the provisions of this act, whether or not such violation is otherwise specifically declared to be a misdemeanor, either by neglecting to observe the requirements of this act or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof for each and every offense, be subject to a fine of not less than ten dollars nor more than two hundred and fifty dollars. (2 Rem. & Bal. Code, § 5226.)

("This act" seems to refer to sections 34-78, inclusive, except where specific penalties are provided and except as provided by the following section. Disposition of fines, see section 70 and note thereto.)

78. Penalty.

Any person violating any of the provisions of this act, whether or not such violation is otherwise specifically declared to be a misdemanor, either by neglecting to observe the requirements of this act, or violating any of the

provisions thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof for each and every offense, be subject to a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than twenty-five days nor more than one year, or by both such fine and imprisonment. (2 Rem. & Bal. Code, § 5227.)

("This act" seems to refer to sections 62 and 84. Disposition of fines, see section 70 and note thereto.)

SALMON CANNERIES.

79. Puget Sound Defined.

For the purpose of more clearly defining the provisions of this chapter, all that portion of the tide waters emptying into the Straits of Fuca, and the bays and estuaries thereof, shall be known and designated as Puget Sound. (2 Rem. & Bal. Code, § 5228.)

("This chapter" refers to sections 79 to 81.)

80. Salmon Packages, How Marked—Penalty.

All salmon caught, and cured by salting, for sale within the said waters of Puget Sound or any tributary thereof, shall be put up in packages marked with the name of "Puget Sound Salmon" in plain letters, at least two inches long; also the place at which they are so cured and packed, and the name or names of the parties so curing them and offering them for sale. A violation of this section shall subject the offender to a fine of not less than ten nor more than one hundred dollars for each and every offense, to be recoverable in any court having jurisdiction of misdemeanors. (2 Rem. & Bal. Code, § 5229.)

(See sections 81, 82 and 83.)

81. Cans Containing Salmon—Labeled—Penalty.

All salmon caught within the waters hereinbefore named, and prepared for sale and export, by being hermetically sealed in cans made of tin or other metal, shall

be labeled with labels bearing the words, "Puget Sound Salmon," together with the name of the person engaged in the business of such preparation for export and sale by hermetically sealing in cans as aforesaid, together with the name of their place of business. The cans shall likewise be packed in cases, [marked] in [a similar manner to] the manner prescribed in the next preceding section for packing salmon in barrels. A failure to comply with the provisions of this section shall be deemed a misdemeanor, and subject the offender to a fine of not less than ten dollars nor more than one hundred dollars for each and every offense, recoverable in any court of competent jurisdiction. (2 Rem. & Bal. Code, § 5230.)

(See sections 80, 82 and 83.)

82. Marking of Fish Packages.

All barrels, packages, or cans containing fish caught within the state, and packed, barreled, or canned therein, shall be marked by label or otherwise, in plain letters, with the name of the place where said salmon were caught, and also the name of the state in full, and the name of the party or parties putting up the same; and for each package, barrel, part of a barrel or can not so marked, the person or persons whose duty it is to mark the same shall be subject to a penalty of not less than ten dollars, to be recovered by action brought by any person first informing in a court having jurisdiction; and one-half of the sum recovered shall go into the common school fund of the county where the offense was committed and the other half to the informer. (2 Rem. & Bal. Code, § 5231.)

(See sections 80, 81 and 83.)

83. Fish From Other States to Be Marked—Penalty.

It shall be deemed a misdemeanor to sell, or offer for sale within the State of Washington, any cases or packages of fish packed in other states that are not plainly marked or branded on their exterior, explanatory of the exact na-

ture or finished condition of the preparation contained, thereby preventing misrepresentation and sale of inferior or imitative brands of fish for the genuine article packed or prepared within said state. Each violation of the above section shall be punishable by a fine not to exceed ninety-nine dollars, nor less than twenty-five dollars. (2 Rem. & Bal. Code, § 5232.)

(See sections 80, 81 and 82.)

84. License Fees for Canneries.

Every person, firm or corporation engaged in canning salmon shall procure a license before commencing the season's packing as follows:

For each cannery packing less than ten thousand cases per annum	$100.00
For each cannery packing from ten thousand cases to fifteen thousand cases per annum	150.00
For each cannery packing from fifteen thousand to twenty thousand cases per annum	200.00
For each cannery packing from twenty thousand to twenty-five thousand cases per annum	250.00
For each cannery packing from twenty-five thousand to thirty thousand cases per annum	300.00
For each cannery packing from thirty thousand to forty thousand cases per annum	400.00
For each cannery packing from forty thousand to fifty thousand cases per annum	500.00
For each cannery packing from fifty thousand to sixty thousand cases per annum	600.00
For each cannery packing from sixty thousand to seventy thousand cases per annum	700.00
For each cannery packing from seventy thousand to eighty thousand cases per annum	800.00
For each cannery packing from eighty thousand to ninety thousand cases per annum	900.00
For each cannery packing from ninety thousand to one hundred thousand cases per annum	1,000.00

Rates on all canneries to be based on pack of each preceding year. New canneries shall pay a license of $250.00 until their pack is definitely known: Provided, however, That every person, firm or corporation engaged in canning salmon on the Columbia river within the State of Washington shall pay for such license of the spring portion of the pack put up prior to August twenty-sixth, twice the sum indicated above for the respective canneries. (2 Rem. & Bal. Code, § 5233.)

(For penalty, see section 78 and note thereto; disposition of fines, see section 69.)

CLAMS.

85. Taking or Digging Clams for Canning or Sale.

It shall not be lawful for any person or persons, firm or corporation, or any person whatsoever, to take, or dig clams from the sands on the ocean beach of the Pacific ocean, in the State of Washington, or to have in their possession after the same have been taken, for the purpose of canning or for the purpose of sale, between the 1st day of June, and the 31st day of August, of each year. (2 Rem. & Bal. Code, § 5234.)

(For penalty, see following section.)

86. Penalty.

Any person violating the provisions of the preceding section shall be guilty of a misdemeanor and subject to a fine of not less than ten ($10) dollars nor more than five hundred ($500) dollars, for the first offense, and double said amount for each conviction thereafter: Provided, It is not the intent of this act to prohibit the digging of said clams for one's own use, but to prohibit the digging for sale and canning purposes during the months hereinbefore set out. (2 Rem. & Bal. Code, § 5235.)

CRABS.

87. Taking or Fishing for Crabs for Sale or Canning.

It shall not be lawful for any person or persons, firm or corporation, or any person whatsoever, to take or fish from any of the waters of the State of Washington, or have in their possession after the same has been taken, for the purpose of sale or canning, any crab during the months of July, August and September, of each year. (2 Rem. & Bal. Code, § 5236.)

(For penalty, see section 89.)

88. Crab Less Than Six Inches Across Back.

It shall not be lawful for any person or persons, firm or corporation, to take or have in their possession, for the purpose of sale or canning, where it is lawful to sell and can same, any female or any male crab measuring less than six inches across its back. (2 Rem. & Bal. Code, § 5237.)

(For penalty, see following section.)

89. Penalty.

Any person violating sections 87 or 88 of this code shall be deemed guilty of a misdemanor and upon conviction shall be fined in any sum not less than ten or more than one hundred dollars. (2 Rem. & Bal. Code, § 5238.)

90. Use of Spear or Other Sharp Instrument Prohibited.

It shall be unlawful for any person or persons, firm or corporation, or any person whatever, to take, capture or remove from any of the waters of the State of Washington, any crab by the use of a spear or other sharp instrument, whereby the shell of any said [crab] is broken or penetrated. (2 Rem. & Bal. Code, § 5239.)

(For penalty, see following section.)

91. Penalty.

Any person violating the preceding section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed twenty-five dollars. (2 Rem. & Bal. Code, § 5240.)

OYSTER LAWS.

CREATING A STATE OYSTER COMMISSION AND A STATE OYSTER FUND—OYSTER LAND RESERVES.

92. Commission.

There is hereby created a State Oyster Commission to consist of the Governor, Commissioner of Public Lands and the Fish Commissioner. (2 Rem. & Bal. Code, § 5241.)

93. Records.

The Commissioner of Public Lands shall be the secretary of said commission, which secretary shall keep a true, full and correct record of all meetings of said commission. Said records shall be kept in the office of the Commissioner of Public Lands and shall be public records open for inspection of the public during office hours. (2 Rem. & Bal. Code, § 5242.)

94. Meetings.

The said commission shall regularly meet on the first Tuesday in January, April and October of each year, at the office of said commission, and at such other times as the chairman of said commission may call and direct. (2 Rem. & Bal. Code, § 5243.)

95. Quorum.

A majority of said commission shall constitute a quorum to do business on all questions arising or coming before said commission. A decision of a majority of the members of said commission shall be valid as the act, ruling, judgment or decision of said commission. (2 Rem. & Bal. Code, § 5244.)

96. Duties and Powers.

It shall be the duty of the State Oyster Commission, and they shall have power to:

1. Examine all existing oyster reserves and to do or cause to be done such things as may be deemed advisable, to conserve, protect and develop said reserves as now established and that may be hereafter established, and to make such rules and regulations as may be found necessary or desirable to carry into effect the provisions of this act.

2. To immediately examine all tide or oyster lands belonging to the state (except tide lands of the first class and lands hereinabove provided for), and to survey, plat and establish thereon what shall be and constitute oyster reserves for the future.

3. To cause a survey or re-survey of all the state oyster land reserves now existing or to be established by the said commission, to be made before the first day of October, 1903, or as soon thereafter as possible, and shall have each angle of the boundary line indicated by a stone not less than one hundred pounds in weight and marked with the letters S. R. cut thereon in letters not less than three inches long and one-half inch deep, and to cause all oyster reserves to be platted, said plats to be filed in the office of the Commissioner of Public Lands and in the office of the auditor of the county wherein said reserves are located; and in cases where the adjoining lands are used in whole or in part by private individuals for the production of oysters, stakes shall be kept standing on all of the angles of the boundary, the tops of which shall be at least four feet above high tide.

4. Said commission may, when it seems to them advisable, close any portion of any of the reserves against the removal of oysters for any period of time, not longer than two years at one time: Provided, That such closed

periods may be therafter renewed, from time to time, not exceeding in all four years, by the commission.

5. To care for and protect all reserves and to reseed and replant such as are in need of seed.

6. To employ such patrolmen and deputies as may be necessary for the protection of oyster reserves and to collect licenses and payment for seed oysters and to define their duties. (2 Rem. & Bal. Code, § 5245.)

(For further duties and powers, see sections 127, 135 and 136.)

97. Not to Be Sold or Leased.

The tide lands within all oyster reserves established and surveyed and platted by said State Oyster Commission shall be forever reserved from sale or lease. (2 Rem. & Bal. Code, § 5246.)

(See section 137.)

98. License to Take Oysters.

Any person, persons or corporation may secure a license from the State Oyster Commission to take from the oyster land reserves oysters to be used for seed purposes only, and upon the terms and conditions hereinafter provided for. (2 Rem. & Bal. Code, § 5247.)

99. Manner of Procuring License—To Specify Time for Taking Seed.

No license shall be granted to take seed from any oyster land reserve except between the first day of April and the fifteenth day of June of each year, and at no time before five o'clock in the morning, or after eight o'clock in the evening; and no person, persons or corporation shall take from the state oyster land reserves an amount of oysters to exceed five hundred sacks to each acre prepared for seeding, and all seed taken from the state oyster land reserves under the provisions of this act must be used upon lands situated in the State of Washington and described in the application for license. Any person, com-

pany or corporation desiring to take oysters from the state's oyster land reserves for the purpose of seeding his, her or their oyster beds, may make application to the State Oyster Commission for a license so to do, said application to be made upon forms to be provided by said State Oyster Commission in substance as follows: It shall show the date when made; the name of the person, company or corporation making the same; a description of the land upon which the oysters are to be placed, said description of land to show county, township, name of bay or inlet where land is located; state the amount of land prepared for seeding, and how prepared; whether the same is diked or not; whether it is hard ground or mud, and if mud ground, whether any crust or shell, sand or other substance has been formed to protect the seed oysters. The applicant must state in application the number of sacks of oysters desired to be taken under the license, which amount must not exceed five hundred sacks per acre for all ground property prepared to receive them. Where the applicant desires the license to be made in the name of any other person than himself or themselves or his or their agent, he shall so state. And no person, firm or corporation shall take oysters from any of the reserves in this state without first having procured a license so to do. The applicant must agree to pay to the State Oyster Commission, under such rules as they may prescribe, the sum of twenty-five cents per sack on Puget Sound and ten cents per sack in all other places for all oysters taken under the license and in all other things to comply with the rules and regulations governing the taking of oysters from the oyster land reserves as set forth in the license; and that all oysters taken in pursuance of the license shall be put on the ground described in the application. Every applicant shall declare upon oath or affirmation that the application is made in good faith, and that all things stated therein are true. (2 Rem. & Bal. Code, §5248.)

("This act" refers to sections 92-104, inclusive.)

100. Granting of License.

When application is made to the State Oyster Commission for permission to take oysters from the state oyster land reserves, and such application is made according to the provisions of this act, the said commission shall grant such applicant a license to go upon any of the state's oyster land reserves that are not closed to peration, and take therefrom oysters for the use set forth in the application and for no other. Said license shall contain the privileges and prohibitions provided for in this act, and such rules and regulations as may have been adopted by the commission for the regulation of the business of taking oysters from the oyster land reserves. (2 Rem. & Bal. Code, § 5249.)

("This act" refers to sections 92-104, inclusive.)

101. Definition of Word "Sack."

Whenever the word sack is used in this act it shall be considered to mean a quantity equal in weight to one hundred and twenty pounds. (2 Rem. & Bal. Code, § 5250.)

("This act" refers to sections 92-104, inclusive.)

102. License Fee.

Every person applying for a license under the provisions of this act shall pay to the State Oyster Commission five dollars before the license shall be issued. (2 Rem. & Bal. Code, § 5251.)

("This act" refers to sections 92-104, inclusive.)

103. Oyster Fund.

There hereby is created a fund to be known as the oyster fund, and all moneys received from the disposal of seed oysters on the reserves or any part thereof or any of the products thereof, or for license to operate thereon and appropriation herein made shall go into this fund, and all expense incurred on account of the state oyster land reserves shall be paid from this fund, by warrants drawn upon the funds in the same manner as is pursued in other state funds. (2 Rem. & Bal. Code, § 5252.)

104. Penalty for Violations.

If any person or persons shall take oysters from any of the state oyster land reserves contrary to the provisions of this act, or shall go upon said reserves and rake up, or otherwise prepare oysters to facilitate the taking of same, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one hundred dollars, and imprisonment for a term of not more than one year, and forfeit any license he or she may then hold. (2 Rem. & Bal. Code, § 5253.)

("This act" refers to sections 92-104, inclusive.)

OYSTER BEDS—PROPAGATION AND GATHERING OF OYSTERS.

105. Acquisition by Discovery of Oyster Beds.

Any person or persons, being a citizen or citizens of the United States, who shall discover any bed or beds of oysters in any bay or arm of the sea bordering upon this state, that has not been before discovered, shall, by right of said discovery, be entitled to the exclusive right or privilege of gathering or dredging oysters on said bed or beds for the term of five years. The person or persons making such discovery, who desires to avail himself of the rights and privileges hereby granted, shall be required to designate the place and area of the bed or beds so discovered, with stakes or other artificial marks, and shall make affidavit before the county auditor of the county in which such discovery has been made that he located the premises so discovered, accompanied by a description and diagram of the same, which shall be filed in the office of said county auditor: Provided, That the restriction and protection of the discoverors shall be ten acres. (2 Rem. & Bal. Code, § 5254.)

106. Penalty for Gathering Oysters From Bed Located by Another.

It shall not be lawful for any person to gather oysters by any means on any beds located in accordance with the

preceding section, except at the option and by the permission of the party or parties holding the same, under a penalty of five hundred dollars fine for so offending, or imprisonment, to be recovered in a civil action, to be brought in the name of the state. (2 Rem. & Bal. Code, § 5255.)

107. Time Allowed in Which to Remove Oyster Beds.

Any person who has prior to the twenty-sixth day of March, Anno Domini eighteen hundred and ninety, planted oyster beds upon any of the tide or shore lands of this state, shall be granted a period of not less than six months nor more than three years after said land has been sold by the state, to remove the same, the time to be determined by the Commissioner of Public Lands. And any person shall have the exclusive possession of said tide or shore lands during the time that he has to remove the said oysters under the provisions of this act: Provided, That in case any planter of oysters shall fail within the time allotted to remove the said oysters, he shall be deemed to forfeit the same to the purchaser or owner of said lands: Provided, That this shall not apply to tide lands within two miles of an incorporated city. (2 Rem. & Bal. Code, § 5256.)

108. Word "Person" Construed.

Whenever the word "person" is used in this act, it shall be deemed to mean person, persons, firm or corporation. (2 Rem. & Bal. Code, § 5257.)

("This act" refers to preceding section.)

109. Rights of Planters.

When any person has, acting in good faith, planted oysters on any tide or shore lands not containing any bed of natural oysters belonging to the State of Washington, and not otherwise occupied for purposes of trade or commerce, such oysters shall, pending the sale, lease or reser-

vation of such lands by the state, be considered as personal property, and the unauthorized taking of the same shall subject the offender to civil and criminal prosecution as in any similar case of violation of property rights: Provided, That the grounds holding the oysers have been kept suitably marked by stakes or other landmarks; but such stakes or other landmarks having been removed by accident or design shall not excuse any person from wrongfully taking the oysters thereby marked if he knew the grounds to have been planted with oysters. (2 Rem. & Bal. Code, § 5258.)

110. Deep-Water Planting—Penalty.

When any person has, acting in good faith, planted oysters on any grounds lying deeper than the level of the water, said grounds being under the jurisdiction of the State of Washington, and not otherwise occupied for the purpose of trade or commerce, such oysters shall, pending the sale, lease or reservation of such lands by the State of Washington, be considered as personal property, and the unauthorized taking of the same shall subject the offender to civil and criminal prosecution as in any similar case of violation of property rights: Provided, That the grounds holding the oysters have been kept suitably marked by stakes or other landmarks, but such stakes or other landmarks having been removed by accident or design shall not excuse any person for wrongfully taking the oysters thereby marked if he knew the grounds to have been planted with oysters. (2 Rem. & Bal. Code, § 5259.)

111. This Article Confers No Right to Purchase.

Nothing in this article shall be construed as giving any prior or exclusive right of purchase or lease from the State of Washington of any shore and tide land or deeper lands when the same may or shall be disposed of by the state or offered by the state for sale or lease, nor shall it be construed as in any way removing, diminishing or affect-

ing any such rights heretofore provided for by an act, or hereafter to be provided for by any act; neither shall this article be in any way amendatory of an act entitled "An act to protect persons who have planted oysters upon tide and shore lands prior to March twenty-sixth, eighteen hundred and ninety," approved March seventh, 1891. (2 Rem. & Bal. Code, § 5260.)

112. Penalty for Removing Oysters.

Any person who shall, without due authority, remove oysters belonging to any other person, either from plant beds or cull beds, or from any boat or water craft, or from any float or crate, shall be subject on conviction to a fine of not less than one hundred dollars nor more than one thousand dollars, one-half of the fine to be paid to the informer, and, at the discretion of the court, to imprisonment for not less than six months nor more than three years; but if the offense be committed later than one hour after sunset or earlier than one hour before sunrise, the minimum penalty shall be a fine of two hundred and fifty dollars and imprisonment. The penalties provided in this section shall not prevent the recovery by the injured party in civil action of damages for any unlawful removing of oysters. (2 Rem. & Bal. Code, § 5261.)

113. Evidence, How Secured.

In any trial for violation of the provisions of this article, if the accused be found having in his possession oysters for which he cannot account, or for which he gives an account which is shown by evidence to be false, that fact shall be sufficient evidence to secure conviction, but the court trying the case may not convict on such evidence when in its judgment it would lead to a verdict doing injustice to the accused. (2 Rem. & Bal. Code, § 5262.)

114. Providing for the Return of Small Oysters to Beds.

It shall not be lawful for any person to destroy oysters taken from their natural beds, by assorting or culling them

on land or shore, and leaving the small oysters there to die; but in all cases the small oysters shall be returned to their natural beds or to private beds for cultivation; and if any person shall offend against the provisions of this section, or in any way wantonly destroy the small oysters, he shall, on conviction thereof, be liable to a fine for each offense, or imprisonment [as prescribed] in the next succeeding section. (2 Rem. & Bal. Code, § 5263.)

115. Natural Oysters, How Lawfully Gathered.

It shall at all times be unlawful to gather with any tool or implement, or in any way whatever, any oysters from any natural oyster bed, except the person so gathering shall be on and working from a boat or water craft of some kind, said water craft being afloat during the time he is gathering. Any person violating any provision of this section shall, on conviction thereof, be fined in any sum not less than $100 nor more than $400, and, at the discretion of the court, be imprisoned in the county jail not less than two months nor more than six months, one-half the aforesaid fine to be paid by the state to the informer. (2 Rem. & Bal. Code, § 5264.)

(This section seems to supersede ch. 30, Laws 1895.)

116. Dredging Is Unlawful.

It shall not be lawful to dredge for the purpose of taking oysters from the natural oyster beds in the waters of and within the State of Washington, except under the supervision of the state or United States government for experimental or scientific purposes. (2 Rem. & Bal. Code, § 5267.)

(For penalty, see following section.)

117. Penalty.

Any person violating any of the provisions of the last preceding section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one hundred dollars, or be confined to the county jail for a period of not less than ten

nor more than sixty days, or be both fined and imprisoned, at the discretion of the court. (2 Rem. & Bal. Code, § 5268.)

118. Legal Period for Gathering Oysters.

It shall be unlawful to gather oysters or to remove them from any natural oyster bed or natural oyster bed reserve in any of the rivers, bays or waters of the State of Washington at any time from the fifteenth day of June to the fifteenth day of March following and inclusive, of each year, except under the supervision of the Fish Commissioner of the State of Washington, or of the United States for purposes of propagation, experimental or other scientific purposes: Provided, That nothing in this section shall be construed to interfere with the provisions of section 105 hereof. (2 Rem. & Bal. Code, § 5269.)

(For penalty, see following section.)

119. Penalty.

Any person violating any of the provisions of section 118 hereof shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail for a period of not less than ten days nor more than sixty days, or to be both fined and imprisoned, at the discretion of the court. (2 Rem. & Bal. Code, § 5270.)

SHELL FISH AND SALE THEREOF.

120. Clams, Oysters and Shell Fish—Sale of, When Prohibited.

No person, firm or corporation shall within this state sell, offer for sale or have in his possession any clams, oysters or any other shell fish which have been opened or taken out of the shell for a period of more than four days, unless the same were previously canned and kept in a chilled condition. (2 Rem. & Bal. Code, § 5271.)

(For penalty, see section 124.)

121. Canning Unlawful.

No person, firm or corporation shall within this state, place in cans, or can any clams, oysters or any other shell fish which have been opened or taken out of the shell for a period of more than four days. (2 Rem. & Bal. Code, § 5272.)

(For penalty, see section 124.)

122. Sale of Canned Clams, Etc.

No person, firm or corporation shall sell, offer for sale or keep for sale, within this state, any canned clams, oysters or other shell fish, which shall have been opened for a period of more than four days prior to the time the same were canned. (2 Rem. & Bal. Code, § 5273.)

(For penalty, see section 124.)

123. Shell Fish Shipped From Other States.

No person, firm or corporation shall, within this state, sell, offer for sale, or have in his possession any clams, oysters or any other shell fish which shall or may be hereafter shipped into this state, unless the said clams, oysters or other shell fish shall have been during the entire time consumed in the shipment kept in a chilled condition: Provided, That this act shall not apply to seed oysters for cultivation. (2 Rem. & Bal. Code, § 5274.)

(For penalty, see section 124. "This act" refers to sections 120-124, inclusive.)

124. Penalty.

Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail of the county wherein the crime was committed not less than ten days nor more than sixty days, or by a fine of not less than fifty dollars nor more than one hundred dollars. (2 Rem. & Bal. Code, § 5275.)

("This act" refers to sections 120-124, inclusive.)

OYSTER BEDS AND LEASES THEREOF—ACQUISITION AND DISCOVERY.

125. Lands May Be Leased for Oyster Beds.

All lands in the waters of the State of Washington lying below extreme low tide, not covered by natural oyster beds, and not in front of any incorporated city or town, nor within two miles on either side thereof shall be subject to lease, for the purpose of planting and cultivating thereon artificial oyster beds, under the provisions of this act. (2 Rem. & Bal. Code, § 6808.)

("This act" refers to sections 125-135, inclusive.)

126. Prior Right to Lease.

All persons who, prior to the passage of this act, in good faith entered upon lands not in front of any incorporated city or town, nor within two miles thereof on either side, and planted and cultivated thereon artificial oyster beds, and who continue to occupy and work the same, and who are now in possession of and working said oyster beds in good faith, shall have the prior right to lease for a period of six months from and after the passage of this act. (2 Rem. & Bal. Code, § 6809.)

("This act" refers to sections 125-135, inclusive.)

127. Applications for Lease—Inspection.

Applications for lease of land for the cultivation of deep sea oysters under the provisions of this act shall be made to the Commissioner of Public Lands and shall be accompanied by a map or plat of the lands so to be leased. The Commissioner of Public Lands shall, upon receipt of such application, direct the Fish Commissioner to immediately inspect the lands applied for and report to the Commissioner of Public Lands his findings as to the following facts:

First. Whether the land or any portion thereof is a natural oyster bed.

Second. Whether it be necessary in order to secure adequate protection to any natural oyster bed to retain to the public domain the land the application for the lease of which has been made or any part thereof.

Third. Whether the land or any portion thereof having been a natural oyster bed within ten years past, may reasonably be expected to again become such within ten years in the future. (2 Rem. & Bal. Code, § 6810.)

("This act" refers to sections 125-135, inclusive. See section 129, description.)

128. Terms of Lease—Rental—New Application, Etc.

In case all of the above three questions be answered negatively, the Commissioner of Public Lands shall immediately issue to the applicant therefor a lease for the term of twenty (20) years of the lands so applied for at an annual rental of twenty-five cents per acre. Should the Fish Commissioner answer one or more of the above three questions affirmatively, the Commissioner of Public Lands shall investigate the matter at a public hearing in the county where the lands in question are situated. Due notice of such hearing shall be given by said Land Commissioner by publishing a notice to that effect in some paper of general circulation in the county, at the expense of the applicant, not less than one week and not more than four weeks before the date of hearing. Unless at such hearing it be conclusively shown to the Commissioner of Public Lands that in the matter at issue the Fish Commissioner was in error, he shall refuse to lease such lands or such portion thereof as may be determined by the foregoing restrictions. Application for the lease of lands thus withheld may not be made again within six years, except that the person last making application may repeat the application during the three months next preceding the expiration of the six years. (2 Rem. & Bal. Code, § 6811.)

129. Application Must Describe Location.

All applications for the lease of oyster lands under this act shall, in addition to the surveyor's description by metes

and bounds, make description in such local geography as shall suffice to convey a knowledge of its location with reasonable accuracy to persons acquainted with the vicinity. (2 Rem. & Bal. Code, § 6812.)

("This act" refers to sections 125-135, inclusive.)

130. Lease Not to Exceed Forty Acres—Affidavit.

All applications for lease of oyster lands under the provisions of this act shall be for an area not to exceed forty acres to any one person, and such application shall be accompanied by an affidavit under oath that the party making such application leases said lands for the purpose of oyster culture only. (2 Rem. & Bal. Code, § 6813.)

("This act" refers to sections 125-135, inclusive.)

131. Conditions of Lease—Forfeiture.

It shall be expressly provided in the lease of any such oyster land that if at any time after the granting of said lease the lands described therein shall cease to be used for the purpose of an artificial oyster bed, it shall thereupon revert to and become the property of the State of Washington, and that the same is leased to the lessee only for the purposes of cultivating oysters thereon, and the State of Washington hereby reserves the right to enter upon and take possession of said tract or tracts, if at any time the same is used for any other purpose than the cultivation of oysters. (2 Rem. & Bal. Code, § 6814.)

132. Not to Affect Existing Laws.

This act shall in no manner apply to the provisions of any act heretofore enacted by the legislature of the State of Washington providing for sale of tide and shore lands for the purpose of oyster planting and the manner of taking oysters from said tide land beds. (2 Rem. & Bal. Code, § 6815.)

("This act" refers to sections 125-135, inclusive.)

133. Survey and Description to Be Recorded, Etc.

Survey and description of all tracts applied for shall be in duplicate, one of which shall be filed with and be recorded by the county auditor of the county in which said lands are situated in a book kept by himself for such special purpose, and a duplicate description in the office of the Commissioner of Public Lands. (2 Rem. & Bal. Code, § 6816.)

134. Abandonment of Lease—Entitled to Lease Other Land, When.

If from any cause any tract or tracts, parcel or parcels of land leased under the provisions of this act shall become unfit and valueless for the purpose of oyster culture, the party having so leased or being in possesison of the same may upon such fact under oath to the Commissioner of Public Lands and to the auditor of the county wherein such lands are situated, also upon filing under oath a certificate of abandonment of such tract or tracts, parcel or parcels of land in the office of each of said officials, such party shall then be entitled to lease other lands as hereinbefore provided. (2 Rem. & Bal. Code, § 6817.)

("This act" refers to sections 125-135, inclusive.)

135. Fish Commissioner May Dredge for Purpose of Discovery—May Permit Others.

The Fish Commissioner of the State of Washington may and he is hereby authorized to dredge or permit others to dredge in all the waters of the State of Washington for the purpose of discovering whether any particular waters not already reserved, leased or appropriated under existing laws or the provisions of this act, contain oysters in a natural state, and regulate the taking thereof, under such rules as the Fish Commissioner may prescribe. (2 Rem. & Bal. Code, § 6818.)

("This act" refers to sections 125-135. Rules established by the Commission under authority of this section are contained in the appendix.)

SPECIAL PROVISIONS RELATIVE TO JEFFERSON COUNTY OYSTER LAND RESERVES.

136. Re-Survey, Appraisement and Classification.

The state oyster commission is hereby authorized and directed to cause a re-survey and appraisement of the state oyster land reserves of Jefferson county, and to file plats thereof in the manner now provided by law, and to indicate thereupon all such portions thereof as are natural oyster beds, which shall be classified as first class. (2 Rem. & Bal. Code, § 6819.)

137. Application Other Than First Class—Sale at Auction.

That after the survey and filing of the plat as hereinbefore provided for, and upon application of any person or persons, for purchase of any portion of the said land, other than first class, the said state oyster commission shall cause notice thereof to be given in the manner now provided by law for the sale of other tide lands, and at the time and place designated in said notice, shall proceed to sell the same at public auction, to the highest bidder, the same not to be sold at less than the appraised value: Provided, That no more than fifty acres shall be sold to any one individual or corporation: And provided further, That payment may be made for said land in cash or upon the following terms, to-wit: One-tenth cash to be paid at time of sale, and the balance of the purchase price in deferred payments of nine equal annual payments, with interest on all deferred payments, at the rate of six per cent. per annum. (2 Rem. & Bal. Code, § 6820.)

138. General Laws not Affected.

Nothing in this act contained shall change, modify or repeal any existing provisions of the general law relating to the sale and use of tide lands for the culture of oysters or other shell fish, but shall be additional thereto and concurrent herewith, and all sales of tide lands made here-

under for the purpose of the culture of oysters or other shell fish shall be subject to like conditions and revisions prescribed by existing laws for similar lands sold for like purposes. (2 Rem. & Bal. Code, § 6821.)

("This act" refers to sections 136-139, inclusive.)

139. Appropriation From General Fund—Reimbursement. For the purpose of carrying out the provisions of this act, the sum of $2,000, or so much thereof as may be necessary is hereby appropriated from the general fund of the state: Provided, however, That from the proceeds of the sale of any such lands, the amount appropriated or so much thereof as may be used for the purpose hereinbefore provided, shall be reimbursed to the state general fund, and thereafter fifty per cent. of the amount received from the sales of any such lands shall be paid into the state general fund and fifty per cent. shall be paid into a fund used for the improvement, protection and supervision of the state oyster reserves. (2 Rem. & Bal. Code, § 6822.)

(See note to preceding section.)

GAME LAWS.

STATE GAME WARDEN.

140. State Game Warden.

There is hereby created the office of State Game Warden, and the State Fish Commissioner shall be ex-officio such officer. (2 Rem. & Bal. Code, § 5318.)

141. Duties and Powers.

The State Game Warden shall have full control and supervision over all county game wardens appointed in pursuance to any statute now existing on the statute books of this state, and may have the power to appoint said county game wardens special deputy fish commissioners for the county in which said county game wardens may reside, and shall have general supervision over the enforcement and execution of all laws of this state for the protection of game animals, game birds, song birds, and game fish, and shall have all the authority and powers as a peace officer conferred on county game wardens by any law of this state (2 Rem. & Bal. Code, § 5319.)

(Further duties, see section 188.)

142. Reports of State Game Warden.

The said State Game Warden, in connection with his report as said Fish Commissioner, shall annually, on December 1st, report to the Governor of this state a full account of his actions as said State Game Warden; also the operation and result of all laws pertaining to the protection of game animals, game birds and game fish. (2 Rem. & Bal. Code, § 5320.)

143. Expenses of County Game Wardens as Deputy Fish Commissioners.

The expenses of the county game wardens may be paid in the discretion of the State Game Warden and State Fish

Commissioner for all services performed by them as deputy fish commissioners upon the request or direction of said State Game Warden and said State Fish Commissioner, and said expenses, when so audited and allowed, are made payable out of the Fish Commissioner's traveling and incidental expense fund. (2 Rem. & Bal. Code, § 5321.)

144. Chief Deputy State Game Warden.

The State Game Warden shall appoint one chief deputy state game warden, who shall hold his office during the pleasure of the State Game Warden, and shall receive a salary of fifteen hundred dollars ($1,500) per year, to be paid in monthly installments, by the State Treasurer on warrant drawn by the State Auditor, and shall be allowed his actual expenses of travel in the performance of his duty, not to exceed the sum of seven hundred fifty dollars ($750) in any one year; and no payment of salary or traveling expenses shall be made by the State Auditor to said deputy state game warden, except upon certificate of the State Game Warden, that the vouchers of the deputy state game warden are correct, that the services have been faithfully rendered and the money for traveling expenses actually expended. The duties of the chief deputy game warden shall be to enforce all the provisions of law in reference to the protection of game and to prosecute all violations of law in reference thereto, to direct and supervise all acts of county and special deputy game wardens, and to use all lawful ways and means to protect game and to encourage and secure the propagation thereof. (2 Rem. & Bal. Code, § 5322.)

(For penalty, see section 182; further duties and powers, see section 188.)

145. County Game Wardens—Appointment of.

The county commissioners of the respective counties of the State of Washington are hereby empowered and authorized to and shall, upon application in writing of one hundred resident freeholders and taxpayers of said county,

appoint a suitable person, who shall be a resident and qualified elector of said county, as game warden of such county, who shall be vested with all the authority of a sheriff to perform the duties prescribed by the laws of the State of Washington for the protection of game animals, game birds, song birds and game fish. Such game warden, so appointed, shall receive a salary of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) per month to be paid monthly out of the game protection fund of such county. (2 Rem. & Bal. Code, § 5323.)

(For penalty, see section 182; further duties and powers, see section 188.)

146. County Game Wardens—Powers of.

All county game wardens shall be ex-officio deputy state game wardens, and shall have the same powers in the enforcement of the game laws of the state as the chief deputy state game warden and shall be under the direction and supervision of the chief deputy state game warden. County game wardens shall have power to appoint special game wardens for his county; such special game warden shall receive no salary but shall have same authority as other game wardens; county game wardens before entering upon their duties shall take and file with the county auditor of his county the oath of office as prescribed for other county officers, and shall be held responsible for neglect, or non-performance of his duties, and the county commissioners of any county may remove the county game warden at any time for neglect or non-performance of duty. (2 Rem. & Bal. Code, § 5324.)

(For penalty, see section 182; further duties and powers, see section 188.)

147. Duty of Warden and Ex-Officio Wardens Defined.

It is hereby made the duty of every game warden so appointed, and every sheriff, deputy sheriff, constable, city marshal and police officer, within their respective jurisdictions in the State of Washington, to enforce all the provisions of this act, and all laws for the protection of game

birds and animals, fish and song birds, and such sheriffs, deputy sheriffs, constables, city marshals, police officers, or any forest rangers appointed by the United States government, and each of them, by virtue of their election and appointment, are hereby created and constituted ex-officio game wardens for their respective jurisdictions, and they and each of them, and each and every game warden so appointed, under the provisions of section 145 hereof shall have authority, and it shall be their duty to inspect all depots, warehouses, cold storage rooms, storerooms, hotels, restaurants, markets, and all packages or boxes, held either for storage or shipment, which they shall have reason to believe contain evidence of the infraction of any of the provisions of this act. And if, upon inquiry said officer discovers evidence sufficient in his judgment to secure a conviction of the offender, or shall have good cause to believe that sufficient evidence exists to justify the same, he shall at once institute proceedings to punish the alleged offenders. (2 Rem. & Bal. Code, § 5325.)

(Further duties and powers, see section 188.)

148. Authority of Such Wardens to Make Arrests.

Any game warden appointed under the provisions of this act, any sheriff, deputy sheriff, city marshal, constable or police officer, forest ranger, may without warrant, arrest any person by him found violating any of the provisions of this act, or any other act or acts hereafter enacted and enforced, at any time for the protection of game, fish and song birds, and take such person or persons before a justice of the peace or municipal judge having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and give and enter judgment according to the allegations and proof. All such actions shall be brought in the name of the State of Washington and shall be prosecuted by the prosecuting attorney of the respective counties. (2 Rem. & Bal. Code, § 5326.)

(Further duties and powers, see section 188.)

LICENSES FOR HUNTERS.

149. Unlawful to Hunt Without License—Fees.

It shall be unlawful for any person to hunt for, pursue, catch or kill any of the game animals or birds protected by the laws of this state during the open season when it is lawful to kill the same, without such person having in his possession at the time of such taking, catching or killing a license therefor, duly issued to him by the auditor of one of the counties of this state or by the State Auditor. The county auditor of each county in the State of Washington upon the payment of one dollar by any resident of this state, or five dollars by any non-resident of this state, or fifty dollars by any non-resident alien, shall issue to such person a license, which said license shall entitle the holder to hunt for, take, catch or kill any of the game animals or birds protected by the laws of the State of Washington within the county where such license is issued, during the open season, when it is lawful to kill the same, for the term of one year, in any lawful manner; and the State Auditor, upon the payment of five dollars by any resident of this state, ten dollars by and non-resident of this state, or fifty dollars by any non-resident alien, shall issue to such person a license, which said license shall entitle the holder to hunt for, take, catch or kill any of the game animals or birds protected by the laws of the State of Washington, within the state, during the open season, when it is lawful to kill the same, for the term of one year, in any lawful manner. The county auditor shall pay to the county treasurer all such fees collected by him, to be placed in the game protection fund, to be used by the county commissioners for the propagation and protection of game in said county, and the State Auditor shall pay to the State Treasurer all such fees collected by him to be placed in the game protection and propagation fund. All fines collected under the provisions of this act shall be paid to the county treasurer of the

county in which said fines are collected, and placed by him in the game protection fund. (2 Rem. & Bal. Code, § 5327.)

("This act" refers to sections 149-151, inclusive. See section 152; penalty, see section 151; see section 166.)

150. State Fund.

There is hereby created a State Fund, which shall be used only for the protection and propagation of game animals, game birds, and game fish in this state. (2 Rem. & Bal. Code, § 5328.)

151. Penalty.

Any person violating any of the provisions of this act shall be deemed guilty of a misdemanor, and upon conviction thereof, for each and every offense shall be subject to a fine of not less than ten dollars nor more than one hundred dollars, together with the costs of prosecution, or imprisonment in the county jail, where the offense is committed, for not less than five days, nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court. (2 Rem. & Bal. Code, § 5329.)

("This act" refers to sections 149-151, inclusive.)

152. License to Aliens to Carry Fire Arms not License to Hunt.

It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shot gun, rifle or other fire arm, without first having obtained a license from the State Auditor, and said license is not to be issued by said State Auditor except upon the certificate of the consul domiciled in the State of Washington and representing the country of such alien, that he is a responsible person and upon the payment for said license of the sum of fifteen dollars ($15.00); nothing in this section contained shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license.

Any person violating the provisions of this section shall be guilty of a misdemeanor. (Ch. 52, Laws 1911.)

ISLAND, LAKE WASHINGTON AND PIERCE COUNTY GAME PRESERVES—HUNTING THEREON.

153. Establishment of Game Preserve by County—Procedure.

The board of county commissioners of any county within this state may establish game reserves on any island within the borders of their respective counties, upon petition of two-thirds of the freeholders of any such island and upon the presentation of a petition signed by two-thirds of the resident freeholders of any island to the board of county commissioners of the county in which said island is situated. It shall be the duty of such board of county commissioners to designate a day upon which said petition shall be heard and to post notices to this effect in at least three conspicuous places on such island; said notices shall be posted at least ten days prior to such hearing. It may be the privilege of any resident on such island to appear at such hearing, and defend or oppose the granting of said petition. It shall be the duty of the board of county commissioners to pass upon such petition within ten days after the said hearing and if it appears to them that the said petition is the wish of two-thirds of the freeholders of the said island it shall be their duty to make an order and have same entered in the official records of the board establishing said island as a game reserve. (2 Rem. & Bal. Code, § 5330.)

(Game preserve in Pierce county, see sections 165-166; penalty, see section 155; Lake Washington preserve, see sections 162-164; hunting on fresh water islands, see section 159; deer on islands, see sections 158 and 159.)

154. Publication of Order—Hunting Prohibited.

A copy of the order of the board of county commissioners establishing any island as a game reserve shall immediately after such order is made be published three

times in at least two newspapers of general circulation in the county and every person thereafter who shall injure, take, kill or destroy or have in his possession except for breeding purposes, sell or offer for sale any deer, blue grouse, ruffed grouse, sharp-tailed grouse, American pheasants, Mongolion pheasants, golden pheasants, bobwhite quail, or California quail taken from said reserve shall be guilty of a misdemeanor. (2 Rem. & Bal. Code, § 5331.)

(Penalty, see section 155; see notes to preceding section.)

155. Penalty for Violations.

Every person convicted of a violation of any of the provisions of this chapter shall be punished by a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100) and in default of payment of fine imposed shall be imprisoned in the county jail of the county wherein the offense was committed until such fine shall have been paid at the rate on one day for each two dollars ($2) of fine imposed. (2 Rem. & Bal. Code, § 5332.)

("This chapter" refers to sections 153-156, inclusive.)

156. Disposition of Fines.

All money collected from fines for the violation of the provisions of this act shall be paid into the general fund of the county for the benefit of the public schools in said county. (2 Rem. & Bal. Code, § 5333.)

("This act" refers to sections 153-156, inclusive.)

157. Deer on Islands—Hunting and Dogs Prohibited.

Every person who shall at any time pursue, take, kill or injure any deer, or shall knowingly permit any dog or dogs owned by him or under his control to chase, injure or destroy any of said animals, on any of the islands, in the State of Washington, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five ($25) or more than one hundred dollars ($100). (2 Rem. & Bal. Code, § 5334.)

(Penalty, see section 182; see section 158 and notes thereto.)

158. Deer on Islands—Open Season.

It shall be lawful during the month of October of each year to hunt for, take and kill deer on any island of the State of Washington: Provided, It shall be unlawful to hunt for or kill any deer on said islands with dog or dogs, and any person knowingly permitting any dog or dogs owned by him to pursue deer on said islands shall be guilty of a misdemeanor and punished by fine of not less than twenty-five dollars ($25) or more than one hundred dollars ($100): Provided further, That this section shall not apply to any islands where game preserves have been established. (2 Rem. & Bal. Code, § 5335.)

(See following section; Island and Pierce county preserves, see sections 153 and 165. This section evidently modifies the preceding section. Number to be taken, see section 187; see sections 177 and 178. Use of dogs, see section 179; trapping, etc., see section 181.)

159. Hunting on Certain Islands Prohibited.

Every person who shall, on any island in the State of Washington located in any fresh water lake, surrounded by navigable fresh water, and having an area exceeding five hundred acres, injure, take, kill or destroy, or have in their possession except for breeding purposes, sell or offer for sale, any elk, deer, black, gray or fox squirrels, blue grouse, ruffed grouse, sharp tailed grouse, wild pigeons, prairie chickens, American pheasants, Mongolian pheasants, golden pheasants, bobwhite quail, California quail, or woodcock, shall be guilty of a misdemeanor. (2 Rem. & Bal. Code, § 5336.)

(See section 162. Other reserves, see sections 153 and 165; destructions of nests, see following section; penalty, see section 161.)

160. Destruction of Nests, Etc., Prohibited.

Every person who shall at any time destroy or remove from the nest of any of the feathered game included in the last section any egg or eggs, or wilfully destroy the nest of any such birds, shall be guilty of a misdemeanor. (2 Rem. & Bal. Code, § 5337.)

(See section 171.)

161. Penalty for Violating last two sections.

Every person convicted of a violation of any of the provisions of the last two preceding sections shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, and in default of payment of fine imposed shall be imprisoned in the county jail of the county wherein the offense was committed until such fine shall have been paid at the rate of one day for each two dollars of fine imposed. All money collected from fines for the violation of the provisions of the last two preceding sections shall be paid into the general fund of the county for the benefit of the public schools in said county. (2 Rem. & Bal. Code, § 5338.)

162. Lake Washington—Molesting Any Wild Birds Upon, Prohibited.

It shall be unlawful to fire any gun or to kill, shoot, entrap, ensnare, maim, or destroy any wild birds at any season of the year upon the waters of Lake Washington or within one mile of its shores, and any person who shall kill, shoot, entrap, ensnare, destroy, or maim any wild birds at any season of the year upon the waters of Lake Washington, or within one mile of the shores of said lake, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided. (2 Rem. & Bal. Code, § 5339.)

(See section 159. Penalty, see following section; see section 197.)

163. Penalty Therefor.

Any person violating any of the provisions of the preceding section shall, upon conviction thereof, be subject to a fine of not less than ten dollars nor more than one hundred dollars, together with the costs of prosecution, or imprisonment in the county jail where the offense is committed for not less than five days nor more than thirty days, or by such fine and imprisonment in the discretion of the court. (2 Rem. & Bal. Code, § 5340.)

164. Scientists Excepted.

The last two preceding sections shall not apply to any person holding a certificate giving the right to take birds, their nests, or eggs, for scientific purposes, as now provided by law. (2 Rem. & Bal. Code, § 5341.)

165. Pierce County Preserve—Hunting Prohibited—Excepted Persons.

Any person who shall hunt, take, hill, trap, snare, maim, destroy or molest any game bird, deer or gray squirrel at any season of the year in that part of Pierce county, Washington, bounded by the waters of Puget Sound and Commencement bay, and a line where the line between townships 19 and 20 north, intersects the easterly shore of Puget Sound, thence running east to the corner common to sections 3 and 4, township 19 north, range 3 east, and sections 33 and 34, township 20, north, range 3 east, thence due north to the shore of Commencement bay, or upon the waters of Steilacoom lake, Gravelly lake, American lake, or the islands therein, or within one mile of the shores of any of said lakes, or upon any part of sections 1, 2, 11 or 12, and the north half of sections 13 and 14, township 19, north of range 2 east, not included in the above description, shall be guilty of a misdemeanor: Provided, That this act shall not apply to persons holding certificates giving the right to take birds, their nests or eggs, for scientific purposes, as now provided by law. (Sec. 1, ch. 84, Laws 1911.)

166. Unlawful to Discharge Rifle in Above Territory.

Any person who shall discharge any rifle within the above described territory shall be guilty of a misdemeanor: Provided, That this section shall not apply to peace officers, officers or enlisted men in the United States army, and the officers and enlisted men in the National Guard of Washington, or any other state, while engaged in the performance of their respective duties as such officers or en-

listed men: And provided, further, That this section shall not apply to public or private shooting galleries or rifle ranges. (Sec. 2, ch. 84, Laws 1911.)

BIRDS OTHER THAN GAME BIRDS.

167. Seagulls.

It shall be unlawful for any person in this state, or upon or about any of the waters or shores of this state, to take, injure, or kill, or endeavor to take, injure, or kill, any seagull of any kind or species. (2 Rem. & Bal. Code, § 5332.)

(Penalty, see following section.)

168. Penalty.

Any person violating any of the provisions of the last section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than five nor more than twenty-five dollars, and in default of payment of the fine imposed shall be imprisoned in the county jail for the period of one day for each two dollars of the fine so imposed. (2 Rem. & Bal. Code, § 5343.)

169. Jurisdiction of Courts.

Police justices or other magistrates of incorporated cities or towns, and justices of the peace (not excluding the jurisdiction of other courts), shall have jurisdiction over all proceedings under the last two sections. (2 Rem. & Bal. Code, § 5344.)

170. Possession of Birds Unlawful—What Are Game Birds.

No person shall, within the State of Washington, kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale, transport or ship within or without the state, any such wild bird after it has been killed or caught, except as permitted by this act. No part of the skin, plumage or body of any wild bird protected by this section shall

be sold or had in possession for sale. For the purposes of this act the following only shall be considered game birds: The anatridae, commonly known as swans, geese, brant, and river and sea ducks; the rallidae, commonly known as rails, coots, mud hens and gallinules; the limocolae, commonly known as shore birds, plovers, surf birds, snipe, sand-pipers, tatlers and curlews; the gallinae, commonly known as grouse, prairie chickens, pheasants, partridges and quail. (2 Rem. & Bal. Code, § 5345.)

("This act" refers to sections 170-176; see section 189; penalty, see section 172.)

171. Destruction of Nests and Eggs.

No person shall, within the State of Washington, take or needlessly destroy the nest or eggs of any wild bird other than a game bird, or have such nest or eggs in his or her possession, except as permitted by this act. (2 Rem. & Bal. Code, § 5346.)

("This act" refers to sections 170-176, inclusive; penalty, see section 172.)

172. Violations—Penalties.

Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and shall be liable to a fine of not less than ten nor more than one hundred dollars for each offense and an additional fine of one dollar for each bird, living or dead, or part of bird or nest, or set of eggs, or part thereof, possessed in violation of this act, together with the costs of prosecution in such action, or to imprisonment for thirty days in the county jail, or both, at the discretion of the court. All fines collected under the provisions of this act shall be turned over to the treasurer of the county in which such action is brought, and by him placed in the game protection fund. (2 Rem. & Bal. Code, § 5347.)

("This act" refers to sections 170-176, inclusive; game fund, see section 150.)

173. Exceptions as to Certain Persons.

The preceding sections shall not apply to any person holding a certificate giving the right to take birds, their nests or eggs for scientific purposes, as provided for in the next section. (2 Rem. & Bal. Code, § 5348.)

174. Certificate—For Scientific Purposes—How Obtained.

Certificate shall be granted by the State Game Warden, or by any incorporated society of natural history in the state, through such persons or officers as said society may designate, to any properly accredited person of the age of fifteen years or upward, permitting the holders thereof to collect birds, their nests or eggs, for strictly scientific purposes only. In order to obtain such certificate the applicant for the same must present to the person or persons having the power to grant said certificate, written testimony from two well known scientific men, certifying to the good character and fitness of said applicant to be entrusted with such privilege, must pay to said persons or officers, one dollar, to defray the necessary expenses attending the granting of such certificates, and must file with said person or officers a properly executed bond, in the sum of two hundred dollars, signed by two responsible citizens of the state as sureties. On proof that the holder of such a certificate has killed any bird, or taken the nest or eggs of any bird, for other than scientific purposes, this bond shall be forfeited to the state, and the certificate becomes void, and he shall be further subject for each such offense to the penalties provided therefor in section 172 hereof. (2 Rem. & Bal. Code, § 5349.)

175. Terms of Certificates.

The certificates authorized by this act shall be in force one year only from the date of issue, and shall not be transferable. (2 Rem. & Bal. Code, § 5350.)

("This act" refers to sections 170-176, inclusive.)

176. Birds Destroying Fruit or Grain Not Included.

The English or European house sparrow, jays, magpies and chicken hawks, are not included among the birds protected by this act, and the provisions of this act shall not apply to any person who shall kill any birds on his own enclosed premises while such bird is destroying fruit or grain. (2 Rem. & Bal. Code, § 5351.)

HUNTING PROHIBITED, PURPOSES, APPLIANCES, AND METHODS.

177. Killing for Hides Prohibited.

Every person who shall, within the State of Washington, at any time, take, kill or destroy any deer, moose, elk, caribou, antelope, mountain sheep or goat for the skin, hide or horns of such animal, or who shall kill any of said animals, unless the carcass thereof is used or preserved for food, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. (2 Rem. & Bal. Code, § 5352.)

(Penalty, see section 185.)

178. Shall Not Fire-Hunt, Trap or Ensnare.

Every person who shall, within the State of Washington, fire-hunt for deer, moose, elk, antelope, caribou, mountain sheep or goat, or entrap, ensnare or set up any traps, swivel, pivot or spring guns, pitfalls or other device for the purpose of trapping, ensnaring or killing deer, elk, moose, caribou, antelope, mountain sheep or goat, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided. (2 Rem. & Bal. Code, § 5353.)

(Penalty, see section 185.)

179. Prohibiting the Use of Dogs—Certain Counties Excepted.

Every person who shall at any time pursue, take, kill, injure or destroy any moose, elk, caribou, antelope, moun-

tain sheep or goat, or deer with dogs, or knowingly allow dogs to chase or destroy said animals, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: Provided, That the provisions of this section shall not apply in the counties of the state lying westward of the eastern boundary of the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania between the first day of October and the first day of November of each year. (2 Rem. & Bal. Code, § 5354.)

(Penalty, see section 185.)

180. Exceptions.

The provisions of sections 172, 173, 174, 183, 184 and 185 hereof shall not apply to persons engaged in prospecting for mines of precious minerals upon the public domain to the extent of the personal need only of such prospector. (2 Rem. & Bal. Code, § 5355.)

181. Shall Not Trap or Ensnare Any Protected Animal or Bird.

Every person who shall, within the state, at any time, trap, net or ensnare, or attempt to trap, net or ensnare any quail or bob white, prairie chicken, grouse, pheasant, partridge, sage hen, ptarmigan or wild pigeon, geese, duck, brant or other water fowl, or any of the song birds, or any deer, moose, elk, caribou, antelope, mountain sheep or any other game bird or game animal, or any protected game bird or song bird or game animal under the laws of the State of Washington or have in his possession any live quail, or bob-white, prairie chicken, grouse, pheasant, wild pigeon, partridge, sage hen or ptarmigan, geese, duck, brant or other water fowl, or any deer, moose, elk, caribou, antelope, mountain sheep or any other game bird or game animal or any protected game bird or game animal under the laws of the State of Washington except for the purpose of propagation, shall be guilty of a misdemeanor, and upon

conviction thereof shall be punished as provided by law. (2 Rem. & Bal. Code, 5356.)

(Penalty, see following section.)

182. Penalty.

Any one violating any of the provisions of this act for which a penalty is not hereinbefore provided, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars ($10) nor more than fifty dollars ($50), or imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment. (2 Rem. & Bal. Code, § 5356½.)

("This act" refers to sections 144, 145, 146, 157, 181, 186, 196, 204 and 207.)

183. Nest Robbing Unlawful.

Every person who shall, within the State of Washington, at any time, destroy or remove from the nest the eggs of any wild duck, geese, or other water fowl, or the egg or eggs of any Mongolian or native pheasant, grouse, ptarmigan, prairie chicken, sage hen, partridge, quail or bob-white, or of any other wild fowl, or have in his possession, sell or offer for sale, any such egg or eggs, or wilfully destroy the nest of any such wild fowl, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. (2 Rem. & Bal. Code, § 5357.)

(Penalty, see section 185.)

184. Sink Boxes, Sneak Boats, Etc., May Not Be Used.

Every person who shall use any sink box or sink boat or sneak boat for the purpose of shooting wild ducks, geese, or other water fowl, or who shall use any battery, swivel or pivot gun, or any gun other than one to be held in the hands and fired from the shoulder, at any time, for the purpose of shooting wild ducks, geese, swan, brant, or other

water fowl; or who shall build any structure in any of the waters of this state for the purpose of shooting therefrom wild ducks, geese, swan or other water fowl; or who shall at any time between one hour after sunset and one-half hour before sunrise fire off any gun or build any fire or flash any light, or burn any powder or other inflammable substance upon the shores of any feeding grounds frequented by wild ducks, geese, swan, or other water fowl, with intent thereby to shoot, kill, injure, destroy or disturb any of such water fowl, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. (2 Rem. & Bal. Code, § 5358.)

(Penalty, see following section; see section 186.)

185. Penalty—Possession Constitutes Prima Facie Evidence.

Every person convicted of any of the misdemeanors defined in the foregoing sections 177, 179, 183 and 184 hereof, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, together with the costs of the prosecution in such action, and, in default of the payment of said fine, shall be imprisoned in the county jail one day for each two dollars of such fine; and upon the trial of any person, agent or employe of a company or corporation, proof of the possession of the wild animals, birds or song birds, when it is unlawful to take, kill or have same, shall be prima facie evidence that the said wild game animal, game bird or song bird was unlawfully taken or killed by the person having possession of same. (2 Rem. & Bal. Code, § 5358½.)

186. Sneak Boats for Geese, Ducks or Brant.

It shall be lawful within the time herein when any goose, duck or brant may be killed, to hunt or pursue them from any blind or obstruction: Provided, That this shall not be construed to include sneak boats. (2 Rem. & Bal. Code, § 5359.)

(Penalty, see section 182; see section 184.)

OPEN SEASONS—BAG LIMITS—POSSESSION AND SALES—PROHIBITED PLACES.

187. Deer, Mountain Sheep and Caribou.

Every person who shall, within the State of Washington at any time between the first day of November and the first day of September of the following year, hunt, pursue, take, kill, injure, destroy or possess any deer, mountain goat, mountain sheep or caribou, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. Every person who shall, within the State of Washington, during the season when it is lawful to kill same, take or kill more than two deer, or shall kill any female deer or spotted fawn, shall be guilty of a gross misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided. Every person who shall at any time shoot or kill in any manner a deer when such deer is in any river or lake, or body of salt water, or shall hunt or chase deer with dogs, shall be deemed guilty of a gross misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. (Sec. 1, ch. 90, Laws 1911.)

(Game preserves, see sections 153, 159 (?), 162, 165. Deer on islands, see sections 157 and 158; killing for hides, see section 177; fire hunting, traps, etc., see sections 178 and 181; use of dogs, see sections 179 and 158; penalty, see section 192.)

188. Searches for Game—Possession Evidence of Violations.

Any game wardens, any sheriff, deputy sheriff, constable or police officer, shall have power to search without warrant any person and examine any conveyance, vehicle, game bag, game basket, game coat or other receptacle for game or game fish, and all cold storage rooms, warehouses, markets, taverns, boarding houses, restaurants, clubs, eating houses, saloons and other places where game or game fish may be kept or sold, and to search and examine all packages or boxes, which he has reason to believe contain

evidence of the infraction of the laws of this state, for the protection of wild fowl, trout or other game fish, game, game birds and song birds, and if upon diligent inquiry he can discover evidence sufficient in his judgment to secure the conviction of the alleged offenders or shall have cause to believe that sufficient evidence exists to justify the same he shall at once institute proceedings to punish the alleged offenders, and hindrance or interference with such search and examination shall be prima facie evidence of the violation of the laws by the party or parties who hinder or interfere with such search or examination. Any of the persons above mentioned may at any time seize and take possession of any and all game, wild fowl, game fish, game birds, song birds, or trout which has been caught, taken or killed at any time, in any manner, or for any purpose, or had in possession or under control or which have been shipped, contrary to the laws of this state. The search and seizure provided for in this act may be made without warrants. (Sec. 2, ch. 90, Laws 1911.)

(Penalty, see section 192.)

189. Sale of Game.

It shall be unlawful for any person at any time to sell or offer for sale any of the song birds, game birds or game animals protected by the laws of the State of Washington. (Sec. 3, Ch. 90, Laws 1911.)

(See section 170; penalty, see section 192.)

190. Stocked Streams—Unlawful to Fish Therein.

Whenever any lake or stream shall have been stocked or planted with game fish under the laws of the State of Washington the county commissioners shall give notice thereof by publication for three successive weeks in a newspaper published at the county seat of the county in which such lake or stream is situated, it shall be unlawful for any person to take or fish for, or take fish of any species whatever, in the waters of the lake or stream so

stocked or planted, for two years after the first publication of such notice. (Sec. 4, ch. 90, Laws 1911.)

(Penalty, see section 192; see section 214.)

191. Imported Game Birds—Unlawful to Hunt.

Whenever any imported species of game birds shall have been liberated in any county of this state by the county commissioners, such commissioners shall give notice thereof by publication for three successive weeks in a newspaper published at the county seat of such county, and thereafter it shall be unlawful to hunt, take, kill, or molest any such imported birds within such county for three years after the date of the first publication of such notice. (Sec. 5, ch. 90, Laws 1911.)

(Penalty, see following section.)

192. Penalty.

Any person violating any of the provisions of this act shall be guilty of a misdemeanor. (Sec. 6, ch. 90, Laws 1911.)

("This act" refers to sections 185 to 190, inclusive, hereof.)

193. Upland Birds—Seasons—Places.

Every person who shall, within the State of Washington, hunt, pursue, take, kill, injure, destroy or possess any grouse, ruffed grouse, Hungarian partridge, prairie chicken, sage hen, Chinese, English, golden, Mongolian, silver, blackneck or Japanese pheasant, or any species of quail or any species of imported upland game bird, between the first day of January and the first day of October of any year, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided: Provided, That it shall be unlawful for any person to pursue, take or kill in the state any Hungarian partridge prior to the first day of October, 1913: And provided further, That in all counties of the State of Washington lying east of the western boundary of the counties of Okanogan, Chelan, Kittitas, Yakima and Klickitat, it shall be unlawful to

hunt, pursue, take, kill, injure, destroy or possess any of the game birds mentioned in this section between the fifteenth day of October and the first day of September of the following year, but it shall be lawful to kill same in said counties, when not otherwise specially provided, during the month of September and the first fifteen days of October: Also provided, That in the counties of Asotin, Clallam, Clarke, Columbia, Garfield, Douglas, Grant, Lincoln, Whitman, Spokane, Yakima, Kittitas, Ferry, Stevens, Okanogan, Adams, Chelan, Benton, Klickitat, Franklin, Walla Walla, Skagit, Whatcom, Snohomish and Kitsap, it shall be unlawful for any person to pursue, take or kill any partridge or any variety of quail, Chinese ring-neck, golden or English pheasant, before the first day of October, 1912: And provided further, That it shall be lawful to kill quail in Snohomish county between the first of October and the first of January: And provided further, That in the counties of Okanogan, Stevens, Douglas and Ferry it shall be lawful to kill grouse between the fifteenth day of August and the first day of January of the following year. (2 Rem. & Bal. Code, § 5361.)

(Penalty, see sections 201 and 203; destruction of nests and robbing, see sections 160, 171 and 183; birds on Lake Washington, see sections 162-164; possession of birds, etc., see section 170; trapping and ensnaring, see sections 181; sneak boats, etc., see sections 184 and 186; bag limit, see section 194; preserves, see sections 153, 154, 159, 165; imported game birds, see section 191.)

194. Upland Birds—Bag Limit.

Every person who shall, during the season when it is lawful to hunt the same, kill more than five prairie chickens, grouse, partridge, Hungarian partridge, native pheasants, Chinese, English, golden, Mongolian, silver, black-neck or Japanese pheasants, or more than ten quail of any kind in one day, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: Provided, That no person shall in any one day kill more than five of the game birds mentioned in this section, it being the intention hereof to limit bags of

one day to five birds, no matter how many varieties of these protected upland birds are included in the bag: Provided further, That ten quail may be killed in one day during the season when it is lawful to hunt the same, but the limit of the upland game birds, if quail are included in the same, for one day, shall never exceed ten upland birds, and the limit of the bag for one week shall never exceed thirty upland birds: Provided further, That in all counties of the State of Washington lying east of the western boundary of Okanogan, Chelan, Kittitas, Yakima and Klickitat, it shall be unlawful to hunt, pursue, kill, injure, destroy or possess any prairie chickens from and after the passage of this act and before the first day of September, 1912: Provided, however, That this last mentioned proviso regarding prairie chickens shall not apply to the counties of Okanogan, Chelan, Garfield, Lincoln, Walla Walla, Adams, Douglas, Columbia, Grant, Stevens and Ferry. (2 Rem. & Bal. Code, § 5362.)

(Penalty, see sections 201 and 203.)

195. Water Fowl—Shore Birds—Seasons—Places.

Every person who shall hunt, pursue, take, kill, injure, destroy or possess any swan, goose, brant, mallard duck, canvas-back duck, widgeon, wood-duck, spoon-bill, gray or black duck, sprig-tail, teal or other game duck, whether named or mentioned herein, or any snipe, curlew, plover, rail, surf or shore game bird, between the first day of February and the first day of October of the same year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided hereinafter: Provided, That in the counties of Okanogan, Ferry, Stevens, Douglas, Grant, Lincoln, Spokane, Adams and Whitman it shall be lawful to kill swan, goose, brant, or any species of game duck and curlew, plover, rail or any species of snipe or shore game birds, between the 15th day of September and the first day of January only: Provided further, That it shall be lawful to kill snipe, plover, rail and shore birds,

geese and brant during the months of March, April and May along the ocean beach, and five miles inland thereof, in Pacific, Chehalis, Clallam, Jefferson and San Juan counties. (2 Rem. & Bal. Code, § 5363.)

(Penalty, see sections 201 and 203; Columbia and Snake rivers, see following section; bag limit, see section 197; imported game birds, see section 191.)

196. Unlawful to Hunt Geese, Brant or Other Water Fowl on Columbia or Snake Rivers.

It shall be unlawful to hunt, pursue, catch or kill any of the geese, brant or other water fowl upon the Columbia or Snake rivers within this state, or within one-half mile of its shore throughout the following named counties: Klickitat, Walla Walla, Franklin, Yakima, Kittitas, Douglas, Columbia, Garfield and Whitman counties. (2 Rem. & Bal. Code, § 5363½.)

(Penalty, see section 182.)

197. Water Fowl—Shore Birds—Bag Limit.

Every person who shall, within the State of Washington, during the season when it is lawful to hunt the same, kill more than twenty snipe, ducks, geese or brants in one day, or fifty in any one week, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided; it being the intention hereof to limit bags for one day to twenty and the limit of bags for one week to fifty of the above mentioned birds, no matter how many varieties of those birds are included in the said bag. (2 Rem. & Bal. Code, § 5364.)

(Penalty, see sections 201 and 203; see following section.)

198. Number to Be Killed Limited.

Provided, That the above mentioned birds shall not be fired at from any gasoline or naptha [naphtha] launch, steam launch, or other boat propelled otherwise than by hand.

(Part of section 6, p. 96, Laws 1903, apparently still in force.)

199. Sales and Possession Prohibited.

Every person, company, club, partnership, firm or corporation, boarding-house keeper, hotel-keeper, restaurant-keeper, market-keeper, or cold storage plant, their owners, proprietors, officers, managers, agents or servants, who shall offer for sale or for market or barter for, or exchange, or keep in their possession at any time of the year, any deer, moose, caribou, antelope, mountain sheep or mountain goat, species of any kind of the various kinds of quail or the various kinds of Chinese, English or Mongolian pheasants, grouse, native pheasants, ptarmigan, partridge, Hungarian partridge, prairie chickens, sage hens, or any kind of wild duck, goose, swan, brant, rail, plover or game shore birds, or any portion of the meat of said animals or birds, shall be guilty of a misdemeanor. Possession by the above-named persons or corporations of any of the animals or game birds mentioned or named herein, or any of the meat of the same, shall be presumptive evidence that said animals, birds, or the meat of the same was unlawfully taken by the person having possession of the same, and upon conviction thereof shall be punished as hereinafter provided: Provided, That any person may have in his possession, or in cold storage, for his own use only, the number and kinds of animals and birds permitted to be taken by this act, during the time the same may be taken: Provided, The same were taken by the person so having them in his possession, or obtained by gift for his use only, or otherwise taken as provided in the previous section of this act: Provided further, That nothing in this act shall be construed to prevent the sale of hides or horns of deer, moose, elk, caribou, mountain sheep or mountain goat species, killed at or within the times when it is lawful to kill the same and which have been killed in a lawful manner. (2 Rem. & Bal. Code, § 5365.)

(Penalty, see sections 201 and 203; searches and evidence, see section 188.)

200. Each Killing an Offense.

The killing of any bird or single animal protected by the laws of the state shall constitute an offense, and each bird or animal so killed shall constitute a separate offense. (2 Rem. & Bal. Code, § 5366.)

(Penalty, see sections 201 and 203.)

201. Conviction—Revocation of License.

The holder of a hunter's license issued in any county, or by the State of Washington, who shall be convicted of violating any of the game laws shall have his license revoked for the balance of the year. (2 Rem. & Bal. Code, § 5367.)

202. Disposition of Fines—One-Half to Informer.

Every person other than a regular salaried game warden or peace officer entering a complaint that any of the provisions of this act are violated and a conviction is secured thereon, shall be entitled to one-half of the fine imposed and collected by the court in such action: Provided, That said reward to the informer shall never exceed the sum of twenty-five dollars. (2 Rem. & Bal. Code, § 5368.)

("This act" refers to sections 193-203, except 196 and 198, and to laws superseded by sections 187-192.)

203. Penalty.

Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. (2 Rem. & Bal. Code, § 5369.)

("This act," see note to preceding section.)

204. Elk—Unlawful to Hunt.

After the passage of this act and until October 1, 1915, it shall be unlawful to hunt, pursue, capture or kill any of the elk (cervus alces or cervus conadensis) within the State of Washington. After 1915 it shall be unlawful to hunt, pursue, capture or kill any of the elk (cervus alces

or cervus conadensis) within the State of Washington between the first day of November of any year and the fifteenth day of September of the following year. No person shall within the State of Washington during the season when it is lawful to kill the same, kill more than one of the male elk (cervus alces or cervus conadensis). Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or be imprisoned in the county jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court. (2 Rem. & Bal. Code, § 5370.)

(Penalty, see section 182; see note to section 187.)

205. Beaver—Unlawful to Hunt.

Every person who shall in any manner hunt for, trap, catch, or kill any beaver in any of the counties of the State of Washington until September 30, 1914, or have the same in his possession, alive or dead, shall be fined not less than fifty dollars nor more than one hundred dollars for each beaver so trapped, taken, caught, or killed, and the possession by any person of any untanned beaver skin or hide, shall be prima facie evidence of a violation of this section. (2 Rem. & Bal. Code, § 5371.)

206. Export Prohibited.

Every steamboat company, railroad company, express company, or other common carrier, their officers, agents and servants and every other person who shall transfer, carry or take out of this state, or who shall receive for the purpose of transferring from this state any of the wild game birds or animals enumerated in this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: Provided, That upon the granting of a similar privilege by the legislature of the

State of Oregon or Idaho to the citizens or residents of the State of Washington, nothing in this section shall be construed to prevent any citizen or resident of the State of Oregon or Idaho from personally taking with him any game to the limit of one day's hunt, killed by himself, in the State of Washington, when it is lawful to take and kill the same; but this provision shall be strictly construed, and the burden of the proof shall be upon the person taking with him such game to establish the fact that the same was personally killed by himself: Provided, That nothing in this section shall be construed to prevent any steamboat company, express company, railroad company, or other common carrier, their officers, agents or servants, from receiving any of the game birds or animals enumerated in this act from transferring them from one point to another point within this state when said game birds or animals are accompanied by the affidavit of the shipper that the same is not shipped for sale or profit. (2 Rem. & Bal. Code, § 5372.)

(See following section and section 208; penalty, see section 185.)

207. Taking Game from State.

Every non-resident or non-resident alien who shall have procured a license to hunt in this state, shall be entitled to take from the state all game animals killed by him, not to exceed the number of each of said game animals as is allowed by law to be killed in any one year, and game birds killed by him not to exceed the number allowed by law to be killed by any person in any one day; but before any person shall be entitled to take any such game out of this state he shall make an affidavit before a notary public or other officer having a seal, stating that the game to be so removed from the state was killed by him in a lawful manner, and that the said game is not being exported for the purpose of sale. Such affidavit shall describe said animals or birds and shall be attached to said

animals or birds while in transit from the state. (2 Rem. & Bal. Code, § 5373.)

(Penalty, see section 182; see sections 199, 206 and 208.)

208. Shipment or Transportation of Game Birds from San Juan and Island Counties.

Any person, persons or corporation who shall take away, ship or transport from the islands comprised within the limits of the boundaries of either San Juan or Island counties in the State of Washington, any quail or bob white, or any Chinese, English, golden, Reeves, Mongolian, silver, black neck, or Japanese pheasants shall be guilty of a misdemeanor, and upon conviction of any violation of the provisions of this act, shall be punished by a fine of not less than ten dollars ($10) or more than one hundred dollars ($100) for each offense, or imprisonment in the county jail for a period of not less than thirty days, nor more than six months, or by both fine and imprisonment in the discretion of the court. (2 Rem. & Bal. Code, § 5374.)

209. Each Shipment Separate Offense.

Each bird so shipped, taken away, or transported from said islands as aforesaid shall constitute a separate offense under this act. (2 Rem. & Bal. Code, § 5375.)

(See preceding section.)

210. Not Applicable to Breeders.

The provisions of this act shall not apply to any person, or persons or corporation who may be engaged, or shall hereafter be engaged in the business of propagation, raising or breeding of any aforesaid described birds; or to any of said birds which may have been propagated, bred and raised in captivity for commercial or domestic purposes. (2 Rem. & Bal. Code, § 5376.)

("This act" refers to sections 208-211.)

211. Applies to Wild Game Birds Only.

This act only applies and is intended to apply to wild game birds, such as have been described herein. (2 Rem. & Bal. Code, § 5377.)

(See note to preceding section.)

212. Sale of Game Fish or Game—When Permitted.

It shall be lawful for the owner of any game bird, game fish or game animal who has propagated the same or purchased the same from persons who have propagated them to sell or dispose of by gift for propagation purposes only, and to ship the same at any season of the year. (2 Rem. & Bal. Code, § 5378.)

(See section 189).

FISH.

213. Game Fish—Sale Prohibited.

It shall be unlawful for any person to sell or offer for sale or for any person to purchase any trout, bass, or other game fish at any season of the year: Provided, That this section shall not apply to fish taken from private hatcheries. (2 Rem. & Bal. Code, § 5379.)

(Penalty, see section 225; see sections 214 and 218.)

214. Trout—Closed Season—Implanted Food Fishes.

Every person who shall, within the State of Washington, during the months of November, December, January, February and March of each year, take, catch, kill or have in their possession any brook trout [or] mountain trout shall be deemed guilty of a misdemeanor. Every person who shall take, catch, kill or have in their possession any of the food fishes implanted in the creeks, rivers, lakes or bays of the State of Washington, except for prapagating the same, for a period of three years after the same shall have been implanted, shall be guilty of a misdemeanor. (2 Rem. & Bal. Code, § 5380.)

(Silver lake, see section 230; stocked streams, see section 190; penalty, see section 217; closed seasons in certain counties, see sections 222, 226, 227.)

215. Trout to Be Taken with Hook and Line Only.

Every person who shall within the State of Washington, take, catch or destroy, with any seine, net, weir, trap, or other decive other than hook and line any mountain trout, brook trout, bull trout, or salmon trout, in any of the waters of the State of Washington, shall be guilty of a misdemeanor. (2 Rem. & Bal. Code, 5381.)

(Penalty, see section 217.)

216. Presumption of Unlawful Taking from Possession.

Every person who shall, within the State of Washington, have in his possession any of the . . . fish mentioned in section 214 hereof, at any time when by any of said sections it is made unlawful to take or kill the same, shall be guilty of a misdemeanor; and proof of possession by any person of the aforesaid . . . fish, when it is unlawful to take or kill the same, shall be prima facie evidence that the . . . fish were unlawfully taken or killed by the person having possession of the same, within the county wherein the same may be found. (2 Rem. & Bal. Code, § 5382.)

(Penalty, see section 217.)

217. Penalty for Violation.

Every person who shall, within the State of Washington, be convicted of a violation of any of the provisions of sections 214 and 215, shall be punished by a fine of not less than ten dollars and not more than three hundred dollars, together with the costs of prosecution, or imprisonment in the county jail where the offense is committed not less than five days nor more than three months, or both such fine and imprisonment. One-half of all moneys collected from such fines for a violation of any of the provisions of said sections shall be paid to the informer, and one-half to the county in which the case is prosecuted. (2 Rem. & Bal. Code, § 5383.)

218. Protection of Bass, Perch, Pickerel and Pike—Closed Season.

It shall not be lawful for any person or persons to take, capture, catch or kill in any of the lakes or streams in this state, or have in their possession after the same has been taken, captured, caught or killed, any bass, perch, pickerel or pike, between the 15th day of May and the 1st day of July of each and every year. (2 Rem. & Bal. Code, § 5384.)

(Penalty, see section 220; see section 213; Silver lake, see section 230; in certain counties, see sections 222 and 226.)

219. Bass, Perch, Pickerel and Pike to Be Taken Only with Hook and Line.

It shall not be lawful at any time to take, capture, catch or kill any bass, perch, pickerel or pike in any of the lakes or streams of this state by the use of any device or in any other manner than with hook and line. (2 Rem. & Bal. Code, § 5385.)

(Penalty, see following section; see preceding section.)

220. Penalty.

Upon conviction of any violation of the two preceding sections the person or persons so convicted shall be punished by a fine of not less than ten dollars, nor more than fifty dollars. (2 Rem. & Bal. Code, § 5386.)

221. Fish Commissioner May Take Game Fish.

It shall be lawful at all times for the State Fish Commissioner, the general superintendent of state fish hatcheries, and assistants, to take trout and other game fish by means of hook and line or nets at any place within one mile of any state fish hatchery operated for the propagation of salmon: And provided, That the provisions of this section shall also apply to superintendents of salmon hatcheries operated by the United States bureau of fisheries in this state. (2 Rem. & Bal. Code, § 5387.)

222. Closed Season—Trout, Bass, Perch, Pickerel and Pike in Counties Lying East of Western Boundary of Okanogan, Chelan, Kittitas, Yakima, and Klickitat.

It shall be unlawful for any person in the State of Washington in any of the counties lying east of the western boundary of the counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat, to take, capture, catch or kill in any of the lakes or streams therein, or have in their possession after the same has been so unlawfully taken, any trout, bass, perch, pickerel or pike, between the first day of November and the first day of May of the following year. (2 Rem. & Bal. Code, § 5388.)

(Penalty, see section 225; other closed seasons, see sections 214, 218, 226, 227.)

223. Minimum Size of Trout.

It shall be unlawful for any person at any time to take, capture, catch or kill any trout except native mountain brook trout or bass in the waters hereinabove described which shall be less than six inches in length, and any such fish which may be accidentally caught shall be immediately returned to the water. (2 Rem. & Bal. Code, § 5389.)

(Penalty, see section 225.)

224. Number Which May Be Caught.

It shall be unlawful for any person to take, capture, catch or kill more than twenty pounds of trout, bass or perch in any one day and no person shall have in his or her possession at any time more than thirty pounds of such trout, bass or perch, which may have been caught in the waters above described. (2 Rem. & Bal. Code, § 5390.)

("Waters above described" refer to sections 213, 222, 223, 225, 226.)

225. Penalty.

Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more

than two hundred dollars, together with the costs of prosecution of such action, and in default of the payment of any fine imposed under this act, shall be imprisoned in the county jail one day for each two dollars of such fine. (2 Rem. & Bal. Code, § 5391.)

("This act" refers to sections 213, 222, 223, 224 and 226.)

226. **Does Not Apply to Garfield and Columbia Counties.**

Provided, That this act shall not apply to Garfield or Columbia counties. (2 Rem. & Bal. Code, § 5392.)

("This act," see note to preceding section.)

227. **Providing a Closed Season for Trout Fishing in Chelan County and Lake Chelan.**

It shall not be lawful for any person or persons to take, capture, catch or kill from any of the lakes or streams within the county of Chelan, or to have in their possession after the same have been taken, captured, caught or killed, any trout between the first day of April and the tenth day of June in each year: Provided, That it shall be lawful to take with hook and line only, from Lake Chelan in said county, at any time of the year, except between the 1st day of April and the 10th day of June, trout not exceeding in amount that which shall be actually used as food at home or in camp along the shore of said lake: And provided further, That it shall be unlawful to waste, sell, salt or pack for future use any trout taken from any of the waters of said Chelan county: And provided further, That it shall be unlawful for any person to fish with spawn or trout eggs in said lake or any of the streams emptying into it, and that it shall be unlawful to fish or to take fish in any way or at any time from any stream tributary to Lake Chelan on which a state hatchery is located. (2 Rem. & Bal. Code, § 5393.)

(Penalty, see following section; closed seasons, see sections 214, 218, 222, 230.)

228. Penalty.

Any person violating the provisions of the last section shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100). (2 Rem. & Bal. Code, § 5394.)

229. Repeal.

All other laws relating to the closed season for trout and other game fish shall be inoperative in the said county of Chelan after passage of this act. (2 Rem. & Bal. Code, § 5395.)

("This act" refers to sections 227, 228 and 229.)

230. Silver Lake, Cowlitz County—Season—How Caught—Number.

Every person who shall—

1. Fish for or catch black bass or perch in the waters of Silver Lake, in Cowlitz county, between the 15th day of April and the 15th day of June in any year, or

2. Fish for, or catch black bass or perch in the waters of such lake at any time except with hook or line, or

3. Catch more than twelve black bass or twenty-five perch in the waters of such lake, in any one day,

—shall be guilty of a misdemeanor. (Ch. 50, Laws 1911.)

(See sections 213, 214 and note thereto, and 218, 222 and 227.)

BOUNTIES FOR CERTAIN ANIMALS—BY COUNTIES.

231. Counties May Offer Bounties for Certain Wild Animals.

The county commissioners of the several counties of this state are hereby authorized to offer and pay out of the county funds of the county treasury a bounty for the scalps of cougars, or panthers, or mountain lions, black or cinnamon bears, wildcats, black and gray wolves, muskrats, squirrels, lynx, and coyotes. (2 Rem. & Bal. Code, § 3587.)

(State bounties, see section 237 *et seq.*)

232. Maximum Amount of Bounties.

The bounty provided for in this act, shall not exceed, for each scalp, as follows: For each mountain lion, cougar or panther, not more than five dollars; for each black or cinnamon bear, not more than four dollars; for each black or gray wolf, not more than five dollars; for each wildcat, not more than two dollars; for each coyote, not more than one dollar; for each lynx, not more than two dollars; for each muskrat caught within fifty yards of any dike or dam, not less than ten nor more than twenty cents; for each squirrel, not more than five cents: Provided, That in the county of Clarke, the board of commissioners may offer and pay double the amount specified as a bounty for killing the animals named. (2 Rem. & Bal. Code, § 3588.)

("This act" refers to sections 231-236; see note to section 231.)

233. Rate of Bounty Offered—How Determined.

Whenever, in the opinion of the board of county commissioners, it shall be necessary to offer a bounty as provided in this act, they shall so order in open court and cause the order to be spread upon the minutes of the session. Said order shall fix the rate to be offered by the county for scalps, and may contain anything else necessary for carrying out and not inconsistent with the provisions of this act. (2 Rem. & Bal. Code, § 3589.)

("This act" refers to sections 231-236; see note to section 231.)

234. Notice of Bounty Offered.

It shall be the duty of the county auditor, whenever the county commissioners shall order that a bounty shall be paid, as provided in the preceding section, to give notice of the order of the board by posting, or causing to be posted, one notice in each precinct in the county; said notice shall state the amounts fixed by the board per scalp for each animal. (2 Rem. & Bal. Code, § 3590.)

235. Payment of Bounties—Auditor's Record.

Whenever any person shall have any scalp of any animal named in this act upon which they wish to obtain

bounty, they shall present the same to the county auditor, whose duty it shall be to examine the same, and ascertain if they have both ears upon them, and such person shall also present to the auditor a bill certified by affidavit that the animal or animals were killed within the county, and that it is just and correct; said bill shall be audited by the county auditor, and presented to the board of county commissioners at their next regular meeting, whose duty it shall be to order the same paid out of the treasury in like moneys (manner) as other claims against the county. It shall also be the duty of the auditor to keep a book provided for the purpose, in which he shall enter the names of all persons presenting scalps, the number and kind presented, and, after allowance by the board, the amount allowed to each person, which book shall be presented at each regular session for their examination and approval. The said auditor shall destroy said scalps, and return the proceedings to each regular session of the board of county commissioners. (2 Rem. & Bal. Code, § 3591.)

("This act" refers to sections 231, 236; see note to section 231.)

236. Offers of Bounties Revocable.

The county commissioners may, at any regular term of the court, revoke their orders offering bounty for scalps. (2 Rem. & Bal. Code, § 3592.)

BY STATE:

237. Bounties on Cougar, Wild-Cat, Lynx, Coyote and Timber Wolf.

Any person who shall kill any cougar, lynx, wild-cat, coyote or timber wolf in the State of Washington shall be entitled to a bounty therefor as follows: For each cougar, twenty dollars ($20.00); for each lynx or wild-cat, five dollars ($5.00); for each coyote, one dollar ($1.00); and for each timber wolf, fifteen dolalrs ($15.00). (2 Rem. & Bal. Code, § 3593.)

(County bounties, see sections 231-236.)

238. Evidence of Killing—Burning.

Upon the production to the county auditor of any county of the entire hide or pelt and right fore leg to the knee joint intact of any cougar, lynx, wild-cat, coyote or timber wolf, killed in such county, each of which hides or pelts shall show two ears, eye holes, skin to tip of nose, and right fore leg to the knee joint intact, the county auditor shall require satisfactory proof that such animal was killed in such county. When the county auditor is satisfied that such animal was killed in his county, he shall cut from such hide or pelt the bone of the right fore leg to the knee as aforesaid which shall be burned in the presence of such auditor and one other county official, who shall certify to the date and place of such burning. (2 Rem. & Bal. Code, § 3594.)

239. Fraud—Penalty.

Any person or persons obtaining or attempting to obtain said bounty on the hide or pelts of any cougar, wild-cat, lynx, coyote or timber wolf, killed more than thirty days prior to the date of obtaining or attempting to obtain said bounty or that was killed outside of the boundaries of the county in which the same was offered, or make any other false or fraudulent representation for the purpose of obtaining such bounty, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the state penitentiary for a period of time not to exceed five years, or shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment at the discretion of the court. (2 Rem. & Bal. Code, § 3595.)

240. State to Credit County for Bounties Paid.

The amount paid by any county for scalps under this act shall be credited to it by the State Auditor upon receipt by the State Auditor of a sworn statement from the county auditor as to the amount of warrants issued under the pro-

visions of this act in said county, which statement shall be rendered to the State Auditor by each county quarterly, and the State Auditor shall make a charge against the general fund of the state for any such credits: Provided, That the credits herein provided for shall not exceed twenty-five thousand dollars ($25,000) for each biennial period. (2 Rem. & Bal. Code, § 3596.)

("This act" refers to sections 237-240.)

240½. Seals and Sea-Lions—Amount of Bounty.

There shall be paid a bounty in the sum of one dollar for the killing of each common seal (phoca vitulina) and the sum of two dollars and fifty cents for the killing of each sea-lion, when killed within the waters of the State of Washington, or within the waters of the Pacific ocean within one marine league of the Washington shore: Provided, however, That no more than twenty-five hundred dollars shall be paid in any year as bounty under the provisions of this act. (2 Rem. & Bal. Code, § 3597.)

("This act" refers to sections 240-243.)

241. Affidavit of Killing.

Any person killing or causing to be killed within the waters of the State of Washington, or within the Pacific ocean within one marine league of the Washington shore, any common seal (phoca vitulina), or any sea-lion, shall scalp or cause to be scalped said seal or sea-lion and shall take the scalp to the Fish Commissioner of the State of Washington, or any deputy, and shall make an affidavit that the animal from which the scalp was taken, was killed within the State of Washington, or in the Pacific ocean within one marine league of the Washington shore, together with the date of killing, which said affidavit shall be in the following form:

State of Washington, County of....., ss.

I, (A. B.), being first duly sworn, on oath depose and say, that I killed (in case the party making the affidavit did not kill, then he must include herein that he saw killed,

and here insert the kind killed and the place and time when killed), said animals, within the State of Washington, or (if in the waters of the Pacific ocean), within one marine league of the Washington shore, and that the scalp or scalps, which are here presented, are the identical scalps taken from said animals and which animals were killed within the year 190..

Signed, ...

Subscribed and sworn to before me this.....day of ....., 190..

.....,

Fish Commissioner of the State of Washington.

That thereupon said Fish Commissioner, or his deputy shall immediately investigate the truth of said affidavit and all allegations therein, and shall be authorized to demand additional evidence, and the Fish Commissioner and any deputy appointed by him, is hereby authorized to administer oaths and take the affidavit hereinbefore provided. (2 Rem. & Bal. Code, § 3598.)

242. Surrender of Scalps—Certificate—Scalps to Be Destroyed.

The party killing said animals and presenting said affidavit mentioned in the preceding section shall be required to deliver all scalps to the Fish Commissioner, or the deputy taking the affidavit. Thereupon the Fish Commissioner, upon being satisfied the party making the affidavit actually killed or caused to be killed the number of animals named in his affidavit, and the scalps presented are in number identical with the number and kind stated in the affidavit, and all delivered to the Fish Commissioner, shall issue a certificate in duplicate which shall be in the following form:

State of Washington, County of....., ss. No.....

This is to certify, that.....has satisfactorily proved to me that he killed.....within the waters

of the State of Washington, and is entitled to receive from the State Treasurer the sum of.....therefor.

.....,

Fish Commissioner of the State of Washington.

Provided, That in case the affidavit and scalps herein provided are presented to a deputy fish commissioner, the deputy shall investigate the statements contained in said affidavit, and he shall forward the said affidavit, together with his report in writing thereon, to the Fish Commissioner, and the Fish Commissioner shall thereupon investigate the same and if satisfied of the truth of said affidavit, shall issue the certificate hereinbefore mentioned, but the deputy fish commissioner shall not destroy the scalps delivered to him until the Fish Commissioner issues the certificate. No deputy shall be permitted to issue any certificate hereunder. Each certificate and duplicate shall be correctly and consecutively numbered, the original shall be delivered to the party making the affidavit, and the duplicate shall be numbered the same as the original and shall be immediately forwarded to the State Auditor to be filed in his office. The party receiving such (such) certificate, or his assigns or order, upon presentation of such certificate to the State Auditor shall be entitled to be paid the amount thereof and the State Auditor upon said certificate being presented to him shall compare the same with the duplicate thereof and if found in all respects correct shall issue a warrant for the amount thereof. The Fish Commissioner shall immediately after issuing the certificate hereinbefore mentioned, destroy all scalps presented, but shall preserve and keep of record all affidavits, and shall keep correct record of the number and amount of each certificate issued, in a book provided for that purpose, and when the total amount of certificates issued shall equal twenty-five hundred dollars ($2,500) in any one year, no more certificates shall be issued for that year, and no further bounty paid for that year. (2 Rem. & Bal. Code, § 3599.)

243. Scalp, What Is.

A scalp, referred to in this act, shall consist of both ears, of the seal or sea-lion, connected by a strip of skin that grew between them, at least two inches wide, intact. (2 Rem. & Bal. Code, § 3600.)

("This act" refers to sections 240-243.)

APPENDIX.

RULES GOVERNING THE DREDGING OF OYSTERS.

Pursuant to section 135 hereof, the following rules and regulations have been adopted by the Fish Commissioner governing the dredging for oysters as above stated:

Rule 1. No dredging for oysters shall be done in any of the waters of the State of Washington of a depth less than 18 feet at mean low tide.

Rule 2. All dredging for oysters within the waters above stated shall be done between the hours of 6 o'clock in the forenoon and 6 o'clock in the afternoon of each day.

Rule 3. No person shall use steam, electricity or any other mechanical or artificial force or power to operate any dredging appliances unless specifically so stated in any permit issued under above law and these rules and regulations.

Rule 4. Any person desiring to operate a dredge under the provisions of this law and these regulations shall apply to the Fish Commissioner for a permit so to do, on blanks to be furnished by the Fish Commissioner, and shall state with reasonable certainty the locality in which said dredge or dredges are to be operated.

Upon application, as above stated, by any person, a permit will be issued by the Fish Commissioner for said dredges for the purpose of taking oysters as provided by law, which shall entitle the holder to operate said dredge for the period of one year in the waters of this state wherein such appliance is not prohibited by law.

A fee of $2.50 will be charged for the issuing of above permit for each and every dredge operated. All permits

under foregoing law and regulations shall be subject to any future regulations that may be adopted by the Fish Commissioner to govern the operation of said dredges.

Rule 5. All such permits shall be subject to revocation at any time by the Fish Commissioner for any violation of law or the rules of the Fish Commissioner.

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